



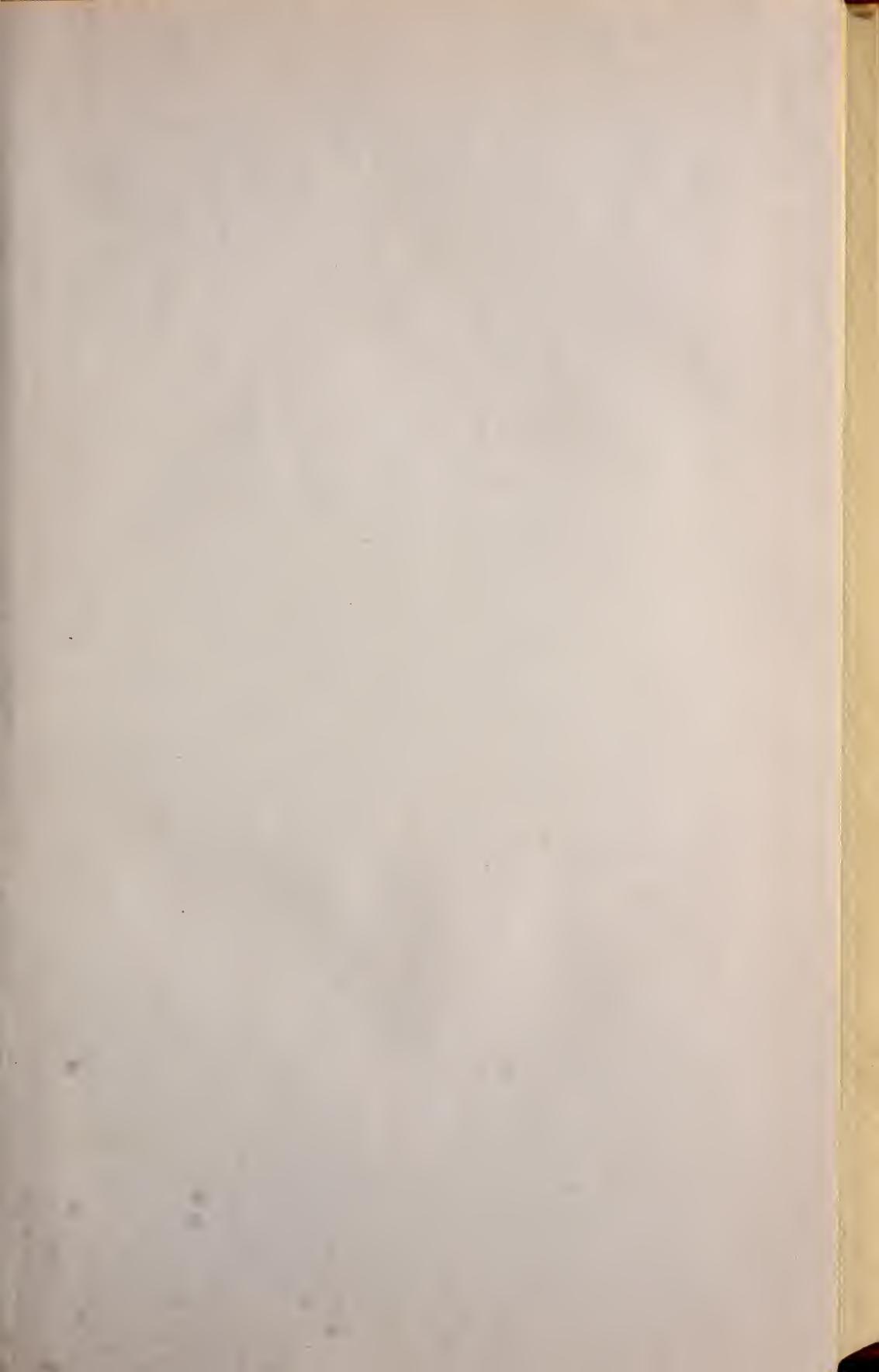


COLE, Amer. Government v Politics

2 VOL\$  
\$35<sup>00</sup>

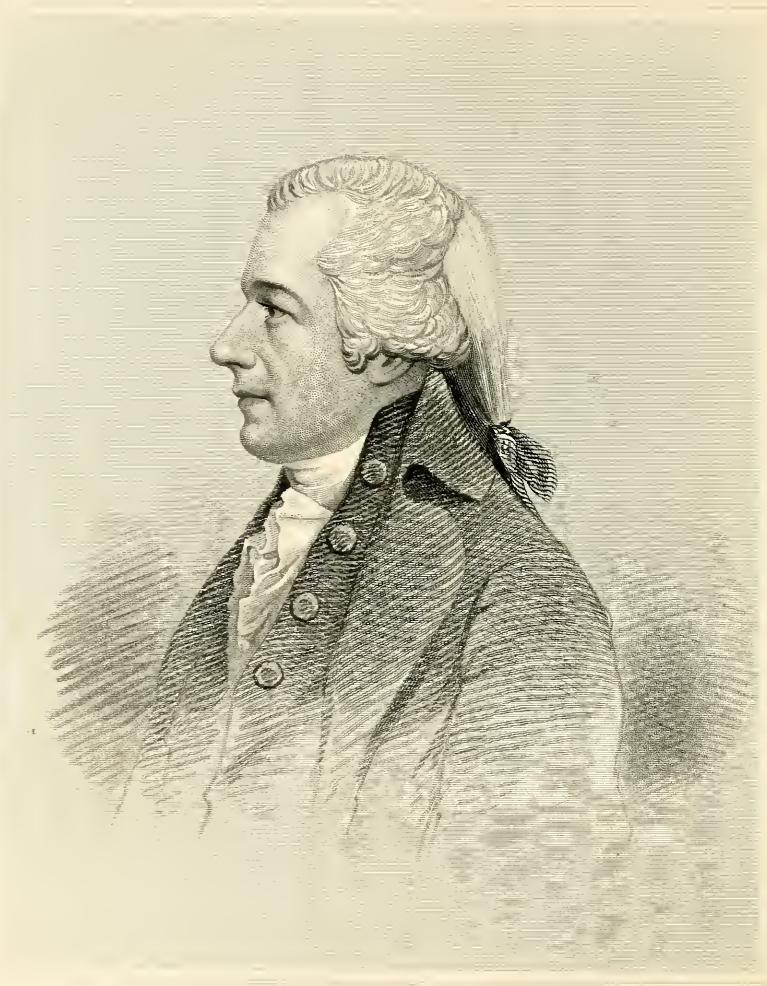
LIMITED  
250 COPIES











ALEXANDER HAMILTON.

Engraved by J. Rogers from the celebrated  
*Allegro* Miniature

# THE FœDERALIST:

A COLLECTION OF ESSAYS, WRITTEN IN FAVOR  
OF THE NEW CONSTITUTION, AS AGREED  
UPON BY THE FœDERAL CONVEN-  
TION, SEPTEMBER 17, 1787.

REPRINTED FROM THE ORIGINAL TEXT,

WITH AN

HISTORICAL INTRODUCTION AND NOTES

BY HENRY B. DAWSON.

IN TWO VOLUMES.

VOL. I.

MORRISANIA, N. Y.:

1864.

Entered according to Act of Congress, in the year 1863, by  
HENRY B. DAWSON,  
in the Clerk's Office of the District Court for the Southern District of New York.

250 copies printed.



No. 143

Henry B. Dawson

RIVERSIDE, CAMBRIDGE:  
STEREOTYPED AND PRINTED BY H. O. HOUGHTON.

TO

GEORGE LIVERMORE

OF DANA HILL, CAMBRIDGE, MASSACHUSETTS,

AN ENLIGHTENED MERCHANT AND A LIBERAL SCHOLAR,

WHOSE EARNEST AND SUCCESSFUL

CULTIVATION OF AMERICAN HISTORICAL LITERATURE

HAS BEEN NOBLY TURNED

TO THE ILLUSTRATION AND SUPPORT OF

THE CONSTITUTION AND LAWS OF THE COUNTRY,

THIS EDITION OF "THE FEDERALIST"

IS INSCRIBED BY HIS FRIEND,

THE EDITOR.

MORRISANIA, NEW YORK,

25 August, 1863.



## ADVERTISEMENT.

---

THE publication of a new and carefully prepared edition of *The Federalist* needs no apology, nor will one be offered. It is due to myself, however, as well as to the reader, that the plan which has been pursued in the preparation of this edition for the press should be made known, and that wherein I have differed in opinion, concerning any portion of my editorial labors, from some of my friends, I should assign the reasons which have controlled my action.

In the first volume of the work, preceded by a historical and bibliographical Introduction and an analytical Table of Contents, will be found the entire text of *The Federalist*, with such notes only as the authors themselves appended to their productions; in the second will appear the Notes which have been prepared by myself, embracing the more important of the alterations and corruptions of the text which have appeared from time to time, many of the manuscript notes which have been found on the margins and blank leaves of the copies which were formerly owned by Mr. MADISON, Mr. JEFFERSON, Mr. AMES, Chancellor KENT, and other friends of the respective authors, and such other illustrative matter as I have supposed will be useful to those who may examine the text of *The Federalist*, together

with a very complete and carefully prepared Index to the entire work.

The text which has been adopted in this edition is that which the distinguished authors themselves originally gave to the world, without addition, abridgment, or the least alteration, except where typographical errors were subsequently corrected by the authors themselves, or are apparent and unquestionable.

In thus rejecting, as unworthy of *entire* confidence, every collective edition of *The Federalist* which has hitherto appeared, I am sensible that I have carried out the *decided preference* of General HAMILTON and Mr. JAY, while a single exception only occurs in which the same original text appears to have been mutilated with the approval of Mr. MADISON. At the same time, it is gratifying to know that the choice which I have made in the selection of a text has met the entire approval of many of the nearest friends of the writers; and it is confidently believed that *The Federalist*, as the authors originally left it, and, with the exception referred to, desired it to remain, is now for the first time presented in book-form to the world.

The portraits which have been selected for the illustration of these volumes also merit attention. That of General HAMILTON is from a faithful copy on Sèvres china of the celebrated Talleyrand miniature, which Hon. JAMES A. HAMILTON designates the best likeness of his father, and has kindly permitted to be used for the illustration of this work. That of Mr. MADISON is from the celebrated original painting by STUART which graces the fine collection of A. A. Low, Esq., of Brooklyn; and

to the kindness of that public-spirited gentleman I am indebted for the privilege of submitting it in an engraving to the discriminating judgment of his countrymen. To JOHN JÁY, Esq., of Bedford, Westchester County, New York, I am indebted for permission to copy the fine original portrait of Mr. JÁY, as a private citizen, also by STUART, which has been carefully preserved at The JÁY Homestead, and which is considered the best of the many portraits of the distinguished statesman and jurist which have been preserved in different parts of the country.

It remains only for me to acknowledge, gratefully, the kind assistance, often accompanied with friendly suggestions, which I have received from time to time, for the purpose of adding to the interest and value of this edition of *The Federalist*, from Hon. JAMES A. HAMILTON of Dobbs' Ferry, in this county; from JOHN JÁY, Esq., of The JÁY Homestead, Bedford, also in this county; from JAMES KENT, Esq., of Fishkill Landing; from EGBERT BENSON, Esq., of the city of New York; from A. A. LOW, Esq., of Brooklyn, N. Y.; from FRANCIS HOWLAND, Esq., of Englewood, New Jersey; from GEORGE HENRY MOORE, Esq., the librarian of the New York Historical Society; from FRANK H. NORTON, Esq., the assistant superintendent of the Astor Library, New York; from S. HASTINGS GRANT, Esq., the librarian of the Mercantile Library Association, New York, and from Mr. G. HANNAH, his obliging assistant; from WENTWORTH S. BUTLER, Esq., the librarian of the Society Library, New York; from ALFRED B. STREET, Esq., the librarian of the State Library, Albany, New

York ; from JOHN G. STEPHENSON, Esq., the librarian of the Congress of the United States ; from SAMUEL F. HAVEN, Esq., the librarian of the American Antiquarian Society, Worcester, Massachusetts ; from CHARLES C. JEWETT, Esq., the superintendent of the Public Library of the city of Boston ; from HORATIO GATES JONES, Esq., Corresponding Secretary of the Pennsylvania Historical Society, and from BRINTON COXE, Esq., both of the city of Philadelphia ; from EDWARD F. and WILLIAM HEATHCOTE DE LANCY, Junior, Esqs., of the city of New York ; from Professor HENRY W. TORREY, of Harvard University ; and, to an extent which few have equalled, from GEORGE LIVERMORE, Esq., of Cambridge, Massachusetts ; to each of them, and to all others who have lightened my burden, I can only return my heartfelt thanks.

HENRY B. DAWSON.

*Morrisania, Westchester Co., N. Y.*

July 18th, 1863.

## INTRODUCTION.

---

AMONG the most effective of the instrumentalities which were employed in the overthrow of the royal authority within the Thirteen United Colonies of America was THE PUBLIC PRESS ; and in the proceedings which led subsequently to the establishment of “*The Constitution for the United States*” between the several States which assented thereto, the same powerful agent was again brought into action, both by the supporters and by the opponents of that instrument.

In the latter memorable contest, quite as much as in the former, the Public Newspaper Press, in all parts of the Union, teemed with anonymous political papers of great merit, in the preparation of which some of the finest intellects in America had found employment ; and at no other period, not even in the memorable days of “*The Whig Club*,” had the judgment of the People been instructed with more profound ability, or its action directed with greater wisdom.

Among the manifold productions of the Press, on the occasion referred to, none were received with more general respect, and none have been preserved and referred to with more satisfaction, than those over the signature of “*PUBLIUS*,” which found their way into the periodical Press of the city of New York in the fall of 1787 and during the following winter and spring.

At that time, and on the question of approving and assenting to the proposed “*Constitution for the United States*,” the State of New York occupied a peculiar posi-

tion, and on her decision of the question of its acceptance and ratification, to a greater extent than on that of any other State, depended the future welfare of the United States, and the place, if any, which they should occupy in the great family of nations.

Within the borders of New York, and among her members, had originated the greater number of the measures which had led to the War of the Revolution; and, inspired by her example, and encouraged by her success,—not unfrequently, also, directed by her popular leaders,—her twelve associates had learned, at an early date, to look to her as to a leader, in the assertion of their own political rights, as well as in the more decided opposition which, from time to time, they had made to the representatives and to the measures of the sovereign.

In the protracted struggle for independence which had ensued, her inhabitants had suffered more from the enemy, and during a longer period, than those of any other State; and her territory—which had been held by the Sovereign of Great Britain from an early day, by right of conquest—was the last which had been abandoned by the royal forces,—nor, even then, had it been fully and formally surrendered, in the mode which had been prescribed by the military usage of that day.

Of the thirteen members of the sisterhood of States, after the war had been terminated in an honorable peace, New York alone had discharged *all* her financial obligations to the United States; and when the failure of her sister States to meet the requisitions of the Fœderal Congress had produced disaster, and had threatened the worst results, she had not hesitated to make still further payments into the Fœderal treasury, in anticipation of future requisitions,—her People, meanwhile, sustaining her Government in its devotion to the Union, and the inhabitants of her extended territory, from the wrecks

of their fortunes and from the current fruits of their labors and of their enterprise, as promptly supplying the means for the consummation of her purposes.

At length, wearied with the continued shortcomings of her sister States, and, probably, aroused by the frequent insults and threats of dismemberment which had been freely indulged in by more than one of her immediate neighbors,—all of whom had envied her rising greatness, without at any time aspiring to her fidelity to the Fœderal compact—on the suggestion of one of the most distinguished and most patriotic, but most maligned, of her citizens, New York had been the first to propose measures for a complete revision of the Fœderal Constitution.

In this hazardous undertaking, however, while she had steadily sought the extension of sufficient authority to the Fœderal Congress to render the existing Government entirely efficient for the purposes for which it had been organized, New York had never lost sight of her own dignity, nor ceased to guard, in the most careful manner, all her rights as a free, sovereign, and independent Commonwealth. Accordingly, while she had steadily sought the *DELEGATION*, by the several constituent States of the Confederacy, of sufficient *authority* to the Fœderal Congress to maintain the credit of the United States, to pay their obligations, and, generally, to execute its duties with more efficiency and despatch, she had as steadily opposed every movement which might be construed to imply a *SURRENDER* of the prerogatives of her sovereignty, or which, in the future, might be considered as her approval of a centralization of “the Right to Command;” and every proposition which possibly might serve at any time to obliterate the lines of the several States, or to consolidate the *thirteen distinct* Peoples and Sovereignties which then existed within the Union, into *one* People, *one* Nation, *one* Sovereignty,

was vigorously opposed both by her members and her Government.

Governed by these well-known sentiments, and sustained by so jealous a constituency, it need not be wondered at, that the Delegation from New York in the Fœderal Convention—a body which had originated in the action of the Legislature of that State, several months before—had firmly disapproved the pretensions, and resolutely opposed the designs, of several of the States, in the formation of a new Constitution; or that, when the simple result which she had proposed had been found unattainable, two of the three gentlemen who composed her Delegation in that Convention had considered it their duty to withdraw from its sessions, leaving her without a legal representation in that assembly, and throwing the entire responsibility of the result of its deliberations on the eleven States which had remained therein. Nor need it excite any surprise that, from that time forth, the opposition to the proposed "*Constitution for the United States*" had been nowhere so determined, so general, or so completely organized as in the State of New York; and that in no other State had that opposition been directed by so formidable an array of leaders, each of whom had been so entirely, so consistently, so effectively, or, during so long a period, identified with the best interests of the State and of the Union. So thoroughly, indeed, had the opposition to the proposed Constitution been organized in that State, and with so much skill had it been directed by the experienced popular leaders, that the impending political crisis appears to have been fully understood, even while the Fœderal Convention was yet engaged in the discussion of the various projects of its members; and, through the newspapers of the day, as well as through tracts which had been prepared for the purpose, the fundamental principles of Governmental sci-

ence, the existing necessities of the United States, and the relative rights and duties of the constituent States and of the Union, had been discussed before the People, with marked ability and the utmost diligence.

The termination of the labors of the Fœderal Convention, and the promulgation of its proposed plan of Government, served rather to concentrate than to diminish the strength of the opposition ; and, thenceforth, from every county in the State, the arguments and appeals of the “Anti-Fœderalists”—as the States'-Rights party of that day was subsequently called—were hurled against the devoted instrument, without ceasing, and with the most relentless severity.

On Thursday, the twenty-seventh day of September, 1787, the same day on which the draught of the proposed Constitution had been promulgated in the city of New York, and side by side with that document in *The New York Journal*,—the ancient organ of “THE SONS OF LIBERTY” in that city,—there had also appeared the first of a series of powerfully written essays, over the signature of “CATO,” in which the condemnation of the proposed form of Government had been pronounced in the most emphatic terms. This antagonistic effusion, a few days afterwards, had been seconded in the same paper by the first of another series, even more ably written than the former, over the signature of “BRUTUS,”—probably from the pen of one of the most accomplished statesmen of that period, who was, also, one of the most elegant writers of the day; while, in an “Extraordinary” sheet of the same *Journal*, on the same day, there had also appeared the first number of a third series, over the signature of “CENTINEL,” which had been copied from the Philadelphia press, in which also the action of the Convention had been handled with great severity. Still later, “CINCINNATUS” supported the assault; and “BRUTUS, JR.” “A SON OF

LIBERTY," "OBSERVER," "AN OFFICER OF THE CONTINENTAL ARMY," "MEDIUM," "A COUNTRYMAN" (*Duchess County*), "A CITIZEN," "AN OLD WHIG," "A COUNTRYMAN" (*Orange County*), "ONE OF THE COMMON PEOPLE," and other writers, in the same and other newspapers of the day, and in rapid succession, sustained the same cause, with great acuteness and ability. Tracts, also, in opposition to the proposed Constitution, were prepared, both in New York and Albany, for distribution in New York and Connecticut, possibly in other States; and through the ancient organization of "THE SONS OF LIBERTY," practically revived under its former leaders, Colonels JOHN LAMB and MARINUS WILLETT, the most thoroughly organized opposition confronted the friends of the proposed Constitution, in every part of the State, and rendered their undertaking a desperate one.

At the same time, while the opponents of the "new system"—harmonious in their sentiments and united in their action—were thus resolutely and skilfully resisting it throughout the State, its nominal friends were widely separated in their sentiments; and, in many cases, they were apathetic, if not discordant, in their action. At best, they were only few in number, when compared with their adversaries; and, in the lukewarmness of some of them, and in the entire inaction of others of their number, there was little to afford encouragement, nothing to insure success.

But, not alone by reason of the apathy and the discord which existed among the nominal friends of the proposed Constitution, nor of the harmonious and energetic opposition of those who disapproved its provisions, nor of the numerical weakness of the former when compared with the strength and perfect organization of the latter, was the position which New York then occupied so peculiar, and at the same time so important.

Possessing a territory which extended from the Atlantic seaboard to the southernmost bounds of the British possessions in America, it was within the power of New York, entirely and absolutely, to separate New England from every other portion of the United States; and it remained for her alone to determine — even in opposition to the expressed wills of her twelve sister States — whether or not the territories of the United States should, thenceforth, be severed by the intervening territory of a foreign sovereign republic; whether or not the Union, thenceforth, should be maintained, if maintained at all, between twelve distinct Commonwealths, occupying not only distinct, but detached territories.

The peculiarity of her geographical position, therefore, the rising importance of her commerce, the acknowledged intelligence and enterprise of her inhabitants, the great ability and fearlessness of her statesmen and popular leaders, the widely spread influence of her political action in former days, not yet wholly forgotten, and her unflinching devotion to the then existing Union of the States, had rendered it important, in the highest degree, that New York should assent to the proposed “*Constitution for the United States;*” while, on the other hand, her undeviating opposition to any centralization of political powers within the Fœderal Government, which the constituent States, *as such*, could not entirely control, her uncompromising adherence to her rights as a free, sovereign, and independent republic, the unanimity of her well-tried popular leaders and of her inhabitants, in opposition to the proposed Constitution, and the perfect organization of her citizens, in every county throughout the State, to prevent the official approval of that instrument, had indicated that the task of securing that approval of the Constitution, in the form which it then possessed, would be difficult, if not impossible.

It need not be a matter of surprise, therefore, that

while the best friends of the new Constitution, throughout the Union, had desired the organization of measures for securing the assent and approval of the State of New York to that instrument, there were but few among her citizens who were inclined, and a still smaller number who were qualified, from their associations and their acquirements, to come before the People, and to undertake that delicate but arduous duty.

ROBERT R. LIVINGSTON — firm and patriotic, and possessed of abundant abilities — had evinced, in public, but little interest in the subject. His social position and his high attainments would have amply qualified him for a leader of the People of his native State, in any political emergency, had not an overpowering love of ease prevailed over every other trait in his character, withdrawn him as far as possible from public duties, and rendered him dilatory and uncertain.

JAMES DUANE's sympathy with the royal authorities in colonial New York; his collusion with Lieutenant-Governor COLDEN to frustrate the earlier efforts of his neighbors and fellow-citizens, while the latter were struggling with the Crown for their original political rights; and his concerted opposition to the measures which had been recommended by the Continental Congress of 1774, of which body he had been an active but unworthy member, — had disqualified him for any position through which the People was to be controlled in its political action, and rendered useless any efforts which he might make in a cause which was dependent for its ultimate success on the sympathy of the great body of the People of New York.

JOHN JAY, a long-tried and faithful servant of the State and of the Congress, was also a native and a citizen of New York, but, like the greater number of the leading friends of the proposed Constitution in that State, he was not adapted for leadership in its support

and establishment. Descended from one of the most respectable families in the Province, an eminent and highly successful member of its bar, from an early age an active participant in the momentous political events which had rendered New York so distinguished among the republics which formed “the new constellation” in America, an acute and remarkably successful diplomatist, candid, above most of his associates, in the declaration of his carefully considered sentiments, and resolute and untiring above all of them in seeking an open and unequivocal accomplishment of his well-conceived purposes, he nevertheless failed—if he ever tried—to secure the hearty sympathy of the masses of his countrymen, and was not qualified to direct them in any struggle whatever. Taking an abstract and self-evident truth as the basis of his argument, he was accustomed to reason independently and boldly for the right, *per se*, without regarding or respecting the opinions of those with whom he was associated; and with equal boldness, and with an energy which scorned fatigue, he pushed forward to the front, for the establishment of *his own* principles, without swerving either to the right or to the left, alike irrespective of the movements of his associates and of the prejudices and sympathies and personal or local interests of those whom they led. While his great abilities, the value of his public services, and his personal integrity were freely recognized by all, the greater number of his fellow-citizens considered him selfish, impracticable, and aristocratic; and some portions of his earlier political action,—at that time remembered by many of his opponents,—his generally reserved manner, and his evident want of fellowship with the great body of the People, gave color to the popular opinion concerning him, and impaired his influence and his usefulness.

In the discussion of the great question which attracted the attention of the People of the State of New York,

at the period referred to, Mr. JÁY's inclination does not appear to have led him to take any part whatever, nor does the People appear to have looked to him for either counsel or personal leadership. His well-known and freely acknowledged preference for a complete centralization of all political power — even to the extent of dissolving the political and constituent powers of the several States, of reducing them to the grade of counties, and of making them entirely dependent, even for their nominal existence and for their local officers, on the will of a consolidated, National Government — having received no favorable consideration in the Fœderal Convention, he had found little in the proposed Constitution which he could commend, and nothing for which he could labor.

The responsibility, therefore, as well as the greater portion of the labor, which attended the organization of the friends of the new Constitution — scattered throughout the State, the direction of their feeble efforts, and the general conduct of the struggle in this, the principal battle-field for “the new system,” necessarily devolved on **ALEXANDER HAMILTON**, — a gentleman whose record was one of honorable and patriotic service; whose voice had never been raised in behalf of political oppression, or in extenuation of official dishonor; in whom the People of New York had often placed confidence, and by whom it had never been betrayed; whose great abilities, indomitable energy, and never-failing tact had seldom been questioned and never surpassed. Deeply read in that portion of the literature of ancient and modern times which pertained to his studies as one of the rising statesmen of America, and personally acquainted, in all their minutiae, with the politics and politicians of New York, — then as complicated as they ever have been since that period ; a close observer of current events, and fertile in resources for the instantaneous

seizure and improvement of passing opportunities, which promised advantage to his cause or to his party; well versed in all the intricacies of the law, and skilled beyond the greater number of his contemporaries in all the graces of elocution; distinguished in arms, in civil life without reproach,— he was, above all others of his party, the best qualified for a popular leader, and a champion, before the People of his adopted State, of the new, and widely abused, Constitution.

It is evident that among the subjects antagonistic to “the new system,” which had arrested the attention of Colonel HAMILTON at an early day, had been the two series of essays, over the signatures of “CATO” and “BRUTUS” respectively, to which reference has been made; and that he had promptly determined on measures which, he supposed, would counteract the bad effects which those essays were so well calculated to produce, among *The People of the State of New York*, to whom they had been specifically addressed.

Without any unnecessary waste of time, he appears to have taken a rapid survey of the general subject, and of the peculiar plan of operations — developed in the earlier numbers of their essays — which the able leaders of the States'-Rights, or anti-constitutional party in New York had adopted, in their well-digested opposition to “the new system,” and he resolved to employ the same potential agency which they had employed, — *the newspaper press*, — and, if possible, the same sheets, for the dissemination of sentiments which, he hoped, would counteract the arguments of his opponents, and lead the People of the State of New York to accede to the proposed Constitution. It is evident, also, that, with that tact which formed so prominent a trait of his character, Colonel HAMILTON resolved, in view of the sturdy attachment of the inhabitants of New York to the Confederated Union of the Thirteen United States which

then existed, to avoid the charge which had been brought against the friends of the proposed Constitution, of a latent desire to dissolve that Union and to consolidate the thirteen Peoples of which it was constituted into one Nation, under a single Government, by a bold and unequivocal defence of that Union, *per se*, and by a countercharge on his opponents, of the existence *among them* of a secret purpose to dissolve that Union, and to establish in its stead two or more “petty confederacies.” It is evident, also, that he resolved to appeal to the cupidity of the commercial classes—with whose well-known tendency to conservatism, at all times, he was well acquainted—by assuming that the immediate adoption of the proposed Constitution, *without amendment*, by the State of New York, was necessary in order to preserve the Union from disruption, and the State from anarchy, if not from dismemberment and annihilation; that a peremptory rejection of it by the State of New York, or a prolonged delay in ratifying it, which would be necessary if a previous revision of the instrument should be demanded by that State, would be productive of the most serious evils, both to the State and to the Union; and that the derangement of the Federal finances was the legitimate result of a radical defect in the Articles of Confederation; while the apparent stagnation of trade,—the necessary consequence of an over-supply of goods and of an undue proportion of vendors when compared with the aggregate of the population,—by being magnified to such an extent, and presented in such a manner, as to make them appear as the necessary results of a defective form of Government, he hoped, might also afford him great assistance as an introduction both to his projected condemnation of the existing Federal system, and to his proposed appeal in behalf of “the new Constitution.”

A plan of operations which was so well adapted to

produce confusion in the ranks of those who opposed "the new system," and to shake the confidence which the People of the State of New York had reposed in the arguments of its leaders, needed only a careful elaboration of its details, and a prompt and energetic execution of its different parts, to insure some degree of success. To secure these, Colonel HAMILTON appears to have sought the assistance of those whose peculiar qualifications adapted them to the discharge of peculiar lines of duty, reserving to himself, however, not only the general control of the discussion, but the execution of those portions of it which appear to have been attended with the greatest difficulties. The Secretary of the United States for Foreign Affairs, (Mr. JAY,) notwithstanding the lukewarmness of his sympathy, was induced to undertake those portions of the discussion which related to the importance of the Union in connection with the foreign relations of the States, and to the treaty-making authority of the Senate,—both of them being subjects which his official position enabled him to discuss with unusual ability, without compromising in the least his general political sentiments, and without obliging him, necessarily, to assent, even by implication, to any portion of the proposed Constitution. Mr. MADISON, a delegate in the Convention from the State of Virginia, and one of the most influential members of that body, was also enlisted in the work, and to him was intrusted the discussion of those branches of the subject which were particularly connected with the individual powers and interests of the States, and of the People, including popular tumults, the republican character of the proposed Constitution, the authority which it proposed to delegate to the three departments of the Fœderal Government respectively, the relative influence of the proposed Fœderal and the State authorities, and the organization and authority of the proposed Senate

and House of Representatives. A third auxiliary pen, it is said, was originally proposed; but no person having been named in that connection, the individual referred to is not certainly known, although it is not improbable that JAMES DUANE's profound legal abilities or PHILIP SCHUYLER's practical business education was that which was particularly desired to make the *Federalist* more perfect in some of its parts.

It is fortunate for the student of American Constitutional History, that the distinguished leader of the "Federalists" in New York left behind him the syllabus of the great work which is the subject of our examination, from which, and from other sources, not less authentic, a more complete analysis of the argument which was employed in behalf of the proposed Constitution has been prepared, and will be submitted at the close of this Introduction. It will not be necessary, therefore, in this place, to examine the details of the discussion by the three champions of "the new system," or to inquire in what manner the powerful and well-directed opposition within the State of New York was met and overcome.

The three associates labored harmoniously, each within his designated field of inquiry, but all under a common signature. The joint production was styled "THE FEDERALIST"—to indicate its support of the Federal Union of the thirteen sovereign States; and the several numbers which the triad produced bore the common signature of "PUBLIUS."

Of the manner in which the three authors discharged their self-imposed duty, the general approval of their countrymen and the encomiums of the learned throughout Europe have borne the most satisfactory evidence. *The Federalist* is surpassed by few, if any, writings of a similar character, of the period in which it was written; and if confusion sometimes prevails in its pages from the want of precision in their use of acknowledged

technical terms ; if their early training in *British* schools, under *British* masters, hampered them in their newly acquired position as law-givers for Commonwealths which had expressly rejected the fundamental principles of *British* governmental science ; if the then imperfectly acquired knowledge of the ancient republics rendered their illustrations, to some extent, imperfect, — the distinguished authors of the work shared these misfortunes with the best writers of the age in which they lived, and their work is not more disfigured from these causes than are those of the most approved authors of that period.

The first of the numbers which composed the series was printed and published in *The Independent Journal; or, The General Advertiser*, — a semi-weekly newspaper, which was published on Wednesdays and Saturdays by J. M'LEAN & Co., at No. 41 Hanover Square, New York, — on Saturday, the twenty-seventh of October, 1787 ; and, with little interruption, the publication was continued in that paper until the second of the following April, when, with the issue of No. LXXVI, it was suspended until after the entire work had been issued, by J. and A. M'LEAN, in book-form, on the twenty-eighth of May, 1788. The publication was resumed in *The Independent Journal* on the fourteenth of June, — when Number LXXVIII. of the work, as it had appeared in the collective edition, was issued in the newspaper as Number LXXVII, in continuation of the series in that form, — and it was continued therein, as opportunity was afforded, until the sixteenth of August, when Number LXXXIV. of the series (Number LXXXV. of the collective edition) was published, and the work completed in the newspaper form.

On Tuesday, the thirtieth of October, 1787, *The New York Packet*, also a semi-weekly, which appeared on Tuesdays and Fridays from the office of SAMUEL and

JOHN LOUDON, Printers to the State, No. 5 Water Street, commenced to reprint *The Fæderalist*, and without any interruption, until the fourth day of the following April, — when Number LXXVI. was issued, — the publication was continued in that paper. At that time, as has been already stated, the publication of the numbers in *The Independent Journal* was suspended; and as *The Packet* appears to have copied them from that paper, the reproduction of the work in the columns of the latter was also necessarily suspended. The work does not appear to have received any notice whatever from the editors of *The Packet*, after it was issued in book-form; and the publication was, in consequence, never completed in that paper.

On Tuesday, the thirtieth of October, 1787, — the same day on which the publication of *The Fæderalist* was commenced in *The New York Packet*, — Number I. of the work was reproduced, also, in *The Daily Advertiser*, a newspaper which was printed at No. 22 Hanover Square, in the city of New York, by FRANCIS CHILDS, a *protégé* of Mr. JAY. With regularity and apparent good-will the republication was continued in that newspaper until Monday, the eleventh of February, 1788, when Number L. appeared in its columns; but after that date no notice whatever appears to have been taken of the work by Mr. CHILDS, and, consequently, the subsequent numbers of it did not appear in the columns of *The Daily Advertiser*.

On Tuesday, the eighteenth of December, 1787, *The New York Journal, and Daily Patriotic Register*, a newspaper which was “printed and published by THOMAS GREENLEAF, at the Printing-Office, No. 25 Water Street,” in the city of New York, contained the following: “Yesterday the manuscript copy of the subsequent “was communicated to the Editor, with an assurance, “that his press should be preferred, in future, for the first

"ushering into public view, the succeeding numbers. "If the public are pleased to stigmatize the Editor as "a partial printer, in the face of his reiterated assertions "of 'BEING INFLUENCED BY NONE,' what more can be "said! This stigma he prefers, to that of a slavish cop- "iest; consequently, unless manuscripts are communi- "cated, he will be constrained (however injudicious) "still to crouch under the weighty charge of partiality."

Following this brief editorial introduction was printed Number XXIII. of *The Federalist*, which appeared, also on the same day, in *The New York Packet*. The publication of the succeeding numbers was continued, with tolerable regularity, during a few weeks, when it flagged, although it was not entirely discontinued until Wednesday, the thirtieth of January, 1788, on which day, with the issue of Number XXXVIII., — which had appeared in *The Packet* on the eighteenth of the same month, — *The New York Journal* ceased to notice it in any way whatever.

The authorship of the several numbers of *The Federalist*, at an early day, became the subject of an angry discussion between the friends of General HAMILTON and those of Mr. MADISON. Without attempting to reconcile the differences which then existed, or to revive the discussion by expressing an opinion concerning the merits or demerits of the several claims, it appears proper, in this place, to notice the subject generally, leaving the more careful examination of those claims, so far as they relate to each number respectively, until the origin and characteristics of the several numbers shall successively become the subjects of examination.

It appears that personal friends of General HAMILTON, soon after the first publication of the work, had obtained from that gentleman the names of the several writers, together with the numbers of which they were respectively the authors. It is not improbable that Mr. MADI-

son also extended similar favors to his more intimate friends,—indeed, this was positively asserted by one of the most able of their number, in the discussion of the question which took place in 1817 and 1818. Although these respective lists were not designed for the perusal of other than limited circles of personal and political friends, there is little doubt that their conflicting statements were equally known to General HAMILTON and Mr. MADISON, and that both were extremely sensitive concerning them.

For the purpose of bearing testimony on this subject, it is supposed, on the day before he received the fatal ball at Weehawken, General HAMILTON visited the office of his friend, Judge EGBERT BENSON, No. 20 Pine Street, New York, and inquired for that gentleman. He was informed by ROBERT BENSON, Junior, a nephew of Judge BENSON, who was sitting at one of the desks, that the latter, in company with Mr. RUFUS KING, had gone to Massachusetts, and that he would be absent during several days. The General manifested considerable uneasiness; and after having nervously walked around the room during several minutes, he stopped in front of one of the bookcases, took from it a volume of PLINY's *Letters*, in the original, which stood there, and commenced to turn over its leaves, as if he was looking for a passage. Suddenly, with an evident desire to avoid the notice of the young men who sat in the room, he slipped into the volume a small piece of paper, when he returned the book to its place in the bookcase, and left the office. On the following day the General was shot; and when Judge BENSON returned to the city, a few days afterwards, his attention was called to the remarkable visit to his office to which reference has been made. The volume which the lamented statesman had taken from the shelf of the bookcase was carefully examined; and the scrap of paper

— less than a quarter of a sheet of note-paper — which he had so carefully placed within it was quickly brought to light. In the fine, round handwriting of the General, but without his signature, it bore the following brief statement: —

“ N<sup>o</sup> 2 — 3 — 4 — 5 — 54 — J :  
“ N<sup>o</sup> 10 — 14 — 37 to 48 inclusive — M : —  
“ N<sup>o</sup> 18 — 19 — 20 — M : & H : jointly —  
“ All the others by H : — ”

This interesting memorandum, which became subsequently the principal evidence for the friends of General HAMILTON, in their dispute with those of Mr. MADISON, was carefully preserved by Judge BENSON, who secured it with four wafers on the inside of the cover of his copy of *The Federalist*, where it remained several years. The interest which attached to it, however, was so great, that the venerable owner of it was induced to remove it from its place, — having previously copied it carefully on the opposite fly-leaf of the volume, — and to present it to the Public Library (the Society Library being generally known by that name) in the city of New York. It was in that well-known repository when Mr. COLEMAN disputed with Mr. GIDEON, in 1818, concerning the authorship of *The Federalist*; but, together with other relics of the same character, which will be referred to hereafter, it has been stolen, within a few years past; and at this moment, it is probable, it graces the collection of some unprincipled collector, whose love of possession is more powerful than his personal integrity.\*

\* It may interest the reader to know that the young man with whom General HAMILTON conversed when he visited Judge BENSON's office, on the occasion referred to in the text, is now the venerable and respected ROBERT BENSON, Esq., of No. 36 East Twenty-second Street, in the city of New York; and that, through the kind attention of his brother, my esteemed friend EGBERT BENSON, Esq., I am indebted to him for the minute statement which I have given concerning that remarkable visit.

The volume in which Judge BENSON wafered the original mem-

In the latter part of the year 1807, the executors of General HAMILTON deposited in the Society Library in the city of New York the copy of *The Federalist* which had belonged to that gentleman. The following letter, said to have been written by Chancellor KENT, will describe it fully :—

[From *The Port Folio*, (New Series,) Vol. IV. No. 20, Philadelphia, Saturday, November 14, 1807.]

“MR. OLDSCHOOL,

“The Executors of the last will of General HAMILTON “have deposited in the Publick Library of New-York a “copy of ‘*The Federalist*,’ which belonged to the Gen- “eral in his lifetime, in which he has designated, in his “own hand-writing, the parts of that celebrated work “written by himself, as well as those contributed by Mr. “JAY and Mr. MADISON.

“As it may not be uninteresting to many of your “readers, I shall subjoin a copy of the General’s memo- “randum for publication in ‘*The Port-Folio*.’ M.

“‘ Nos. 2, 3, 4, 5, 54, Mr. JAY.

“‘ Nos. 10, 14, 37, to 48 inclusive, Mr. MADISON.

“‘ Nos. 18, 19, 20, Mr. HAMILTON and Mr. MADDISON “jointly — all the rest by Mr. HAMILTON.”\*

It will be perceived that this memorandum agrees in every respect with that which General HAMILTON left at the office of Judge BENSON on the day preceding his

memorandum of General HAMILTON, — on the inside of the cover of which the remains of the wafers are still to be seen, — and the Judge’s copy of that memorandum, on the fly-leaf of the volume, through Mr. BENSON’s kindness have been shown to me; and what in the text I have said concerning them is the result of a careful examination of them by myself.

\* This letter was reproduced in

HALL’S *American Law Journal*, Vol. VI. pp. 460, 461, the learned editor of which, in the index, added to his reference to it the following: “Note. — The accuracy of this article has been denied by WILLIAM COLEMAN, Esq., whose intimacy with General HAMILTON entitles his opinion to great respect. He has promised to give some information, from which our statement may be corrected hereafter.”

fall; and it will be a curious inquiry hereafter to ascertain whether they may be considered authoritative on the still unsettled question concerning the authorship of *The Federalist*.

The publication of DELAPLAINE'S *Repository of the Lives and Portraits of Distinguished Americans*, in 1816, was the occasion of a discussion of the subject of the authorship of the several numbers of *The Federalist* more public than any which had preceded it. In the biographical sketch of General HAMILTON which the first volume of that work contained, the Editor employed the following language:—

[From DELAPLAINE'S *Repository*, Vol. I. pp. 69, 70.]

“After the publication of the constitution, colonel HAMILTON, conjointly with Mr. MADISON and Mr. JAY, commenced *The Federalist*, a work which is justly ranked with the foremost productions in political literature. Besides being the most enlightened, profound, and practicable disquisition on the principles of a federal representative government that has ever appeared, it is a luminous and elegant commentary on the republican establishments of our own country. It was published in the years 1787 and 1788, in a series of essays addressed to the citizens of New York, and had a powerful influence both in that and other states, in procuring the adoption of the federal constitution. The style is as perspicuous, eloquent, and forcible, as the matter is pertinent and the arguments convincing.

“The part which colonel HAMILTON bore in this publication, although concealed for a time, has been at length discovered. Indeed had no key to the authorship ever been found, readers of taste and critical discernment would be able to recognize, without such assistance, the traces of his pen. Although his co-adjudicators possessed the resources of statesmen and the

“learning of scholars, their productions are greatly inferior to his. The papers of HAMILTON in *The Federalist* are marked by nearly the same superiority, both as to richness, elegance and force, which is exhibited by those of ADDISON in the *Spectator*. He wrote the whole work, except Nos. 2, 3, 4, 5, and 54, which are from the pen of Mr. JAY; Nos. 10, 14, and 37 to 48 inclusive, from that of Mr. MADISON; and Nos. 18, 19, and 20, in the composition of which he and Mr. MADISON were associated.\* Had he never been the author of any other work, his fame as a writer would have been conspicuous and durable. For, although it must be acknowledged that he has, in various instances, in *The Federalist*, violated the rules of classical composition, that production would, notwithstanding, have done honour to the pen of BOLINGBROKE or BURKE.”

As may readily be supposed, this paragraph immediately arrested the attention of the friends of Mr. MADISON; and by them it was generally and openly condemned. At length one of them appealed to the public, through the columns of the newspaper press; and in the following letter he joined issue with Mr. DELAPLAINE and the friends of General HAMILTON:—

[From the *National Intelligencer*, Vol. XVIII. No. 2574, Washington, Thursday, March 20, 1817.]

“TO THE EDITORS:—

“In looking over DELAPLAINE’S *Repository of the Lives and Portraits of Distinguished Americans*, I dis-

\* In Volume II. of the *Repository*, (page 173,) Mr. DELAPLAINE contradicted this statement concerning the authorship of *The Federalist*, as well as the two statements which General HAMILTON had left respectively in his own copy of the work and in the office of Judge BENSON. It is evident that while the material employed in the first volume had been received from the friends of General HAMILTON, that used in the second was obtained from Mr. JAY or his friends; and that the difference arose from the imperfect recollection of one of those gentlemen concerning the authorship of “No. 64.”

“covered that he has given currency to an erroneous statement, which was published soon after the death of General HAMILTON, in *The Port Folio*, concerning the authorship of the respective numbers of the work called *The Federalist*, which it is known was written by Messrs. MADISON, HAMILTON and JAY. The biographer affirms, that the numbers written by Mr. HAMILTON are manifestly superior to the others, and that a key to them is unnecessary, as all persons of taste & judgment will at once designate them. Altho' I have repeatedly read that celebrated work, and have never discovered the superior merit of the part executed by Gen. HAMILTON; yet, as the intelligent public are as competent to decide as that writer, the maintenance of his opinions, if erroneous, can do no other injury than to lessen the character of the *Repository* for fidelity and impartiality; and I should not have deemed it proper, if the facts were not mis-stated, to take any notice of them. With the sole view, therefore, of giving to each of the gentlemen his proper share of the merit which *The Federalist* entitles him to, and to correct an error, assuming the garb of historical credibility, I take upon me to state, from indubitable authority, that Mr. MADISON wrote Nos. 10, 14, 18, 19, 20, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 62, 63, and 64.

“Mr. JAY wrote Nos. 2, 3, 4, and 5; and Mr. HAMILTON the residue.

“I have been for several years in possession of the information upon which this statement is predicated; and, if it be doubted or denied, I will venture to appeal to the papers of Gen. HAMILTON for the confirmation of my assertion.

“CORRECTOR.

“March 10, 1817.”

Among the friends and admirers of General HAMIL-

TON no one possessed a livelier interest in maintaining the honor of his departed chief than WILLIAM A. COLEMAN, the editor of *The New York Evening Post*, and few were more able than he to defend a contested question, in which General HAMILTON, his party, or his principles were involved. The letter of "CORRECTOR" immediately arrested his attention; and within a week after its publication in Washington it was copied at length into *The Evening Post*, with the following elaborate "Answer":—

[From *The New York Evening Post*, No. 4616, New York, Tuesday, March 25, 1817.]

" I feel it to be a duty I owe the revered memory of  
" the great and good man who honored me during seven  
" years, with his friendship, to arrest at once, the circula-  
" tion of the above erroneous paragraph. Originating in  
" the *National Intelligencer*, it might reasonably be con-  
" sidered as having received the sanction of Mr. MADI-  
" son himself, and the confident tone in which it is ex-  
" pressed, might strengthen that idea, but, besides that,  
" his character forbids such a suspicion, there is an inac-  
" curacy of expression which never could have escaped  
" him, or any piece revised by him. The writer is very  
" much hurt that the biographer of HAMILTON should  
" have thought the numbers written by him, superior to  
" the others; and calls it 'a misstatement of facts.'  
" Now, however erroneous such an opinion may be, it  
" certainly can be considered as no more than a defi-  
" ciency in taste, but assuredly, correctness of language  
" will never permit it to be called 'a misstatement of  
" facts.' To repel any unjust suspicions, however, from  
" being entertained in a certain quarter, I deem it proper,  
" in justice to the noble minded HAMILTON, to relate a  
" fact, in reference to this part of the subject, which  
" came within my own personal knowledge.

" In the year 1802, Mr. HOPKINS, printer, of this city,  
" intending to publish a new edition of *The Federalist*,  
" took this opportunity to apply to gen. HAMILTON, and  
" solicit him to correct and revise the numbers, and so  
" far succeeded, as to obtain his consent to assist in the  
" revisal, provided a gentleman of competent literary  
" talents would undertake to make the first verbal cor-  
" rections, for the original idea was to be strictly ad-  
" hered to: — He then examined the whole with his own  
" eye, previous to its being committed to the press, and  
" saw that it was free from literary blemishes.\* When  
" the whole was ready for the press, the gentleman who  
" had thus given his aid, wrote a preface, in which he  
" took occasion to make respectful mention of the names  
" of the two gentlemen who were associated with HAM-  
" ILTON, in the essays — Mr. JAY and Mr. MADISON.  
" Whether he was disposed to express a similar opinion  
" with that expressed in DELAPLAINE, respecting the rel-  
" ative merits of the writers, I do not now recollect, but  
" I do know, that the following expressions, on that  
" point, were dictated by Gen. HAMILTON himself: 'In  
" justice to these gentlemen, it is thought necessary to  
" add, that, as far as has been practicable to discriminate  
" their productions, *they are not unequal in point of merit*  
" *to those which are solely from the pen of general HAM-*  
" *ILTON.*'

" I have now to notice what, indeed, may, with strict  
" propriety, be called 'a misstatement of facts.' The  
" writer of the above article, in the *National Intelligen-*  
" *cer*, takes upon himself to state upon, what he calls,  
" *indubitable* authority, that Mr. MADISON wrote the Nos.  
" 10, 14, 18, 19, 20, and those from 37 to 58 inclusively,  
" besides the Nos. 62, 63, and 64; that Mr. JAY wrote  
" Nos. 2, 3, 4, and 5, and Mr. HAMILTON the residue.

" \* This renders the edition of HOPKINS, the most valuable extant." — *Evening Post.*

“ But although he affirms he has been several years in possession of the information upon which this statement is founded, and offers to appeal to the papers of gen. HAMILTON for the confirmation of his assertion, it is, nevertheless, materially erroneous. It is now in my power to rectify the error and upon the very authority to which the writer appeals, and thus to set at rest, forever, all controversy upon the subject: I proceed to do so: —

“ It may be proper, first, to observe, that the writer in DELAPLAINE’s *Repository* has adopted a misstatement, from *The Port Folio*, in not allowing credit to Mr. MADISON for 45 and 46. But the writer in the *National Intelligencer* has fallen into numerous errors, respecting every one of the three gentlemen concerned.

“ Gen. HAMILTON, a day or two previous to his death, stepped into the office of his friend judge BENSON, then absent, and in the presence of his clerks, left a paper in a book lying there and departed. After his fall, this paper was observed, and deposited by judge BENSON in the city-library, with a certificate, that it was the hand-writing of A. HAMILTON. The following is a copy:

“ Nos. 2, 3, 4, 5, 54, Mr. JAY; Nos. 10, 14, 37, to 48 inclusive, Mr. MADISON; Nos. 18, 19, 20, Mr. HAMILTON and Mr. MADISON, jointly; all the rest by Mr. HAMILTON.”

“ This is a sacred relick: call it not in question.”

To this “Answer” a prompt and unequivocal reply was made by “CORRECTOR,” through the columns of the *National Intelligencer*, — the same newspaper in which had appeared the first letter from the same pen. The following is the reply referred to: —

[From the *National Intelligencer*, Vol. XVIII. No. 2593, Washington, Saturday, May 3, 1817.]

“FOR THE NATIONAL INTELLIGENCER.

“April 18, 1817.

“To THE EDITORS: —

“When I penned my note of the 10th of March, which was published in your paper of the 19th, wherein I stated by whom the respective numbers of *The Federalist* were written, I did not anticipate any controversy concerning its contents; if I had, I certainly never would have given the facts to the world without permission. Unfortunately, from the turn the subject has taken, it is too late now to ask it, and I cannot suffer the ‘*Answer*’ in *The New York Evening Post*, which a friend has recently sent to me, to pass in silence.

“The author of the *Answer* is correct in supposing that my note was written without the knowledge of Mr. MADISON; indeed, I have no doubt that he never desired or expected to have the subject mentioned, and was surprised when he saw the publication.

“After writing so many masterly pieces since the organization of the existing government, it is not possible to add to the full measure of his fame for exalted talents and patriotism, by proving, incontrovertibly, that he wrote all those parts of the work in question, which I have ascribed to him. No adequate motive could, therefore, exist for encountering the risque of any contradiction in relation to it.

“The writer of the ‘*Answer*’ is mistaken in supposing that I am hurt by the opinion advanced in the *Repository*, that the numbers written by Mr. HAMILTON are superior to the others; and I do not perceive the justice of the criticism he has indulged in. I have not called that opinion a misstatement of facts. My ex-

"pression is, 'The maintenance of his *opinions*, if erroneous, can do no other injury than to lessen the character of the *Repository* for fidelity and impartiality, and I should not have deemed it proper, if the *facts* were not misstated, to take any notice of *them*.' What is it, I ask, I would not have noticed? I answer, his *opinions*, unless the facts on which they rest were mis-stated.

"But it is not material to vindicate the style of my composition; its truth is more important to the public and to myself. I will proceed to state the proofs upon which I wrote the piece alluded to. Whilst Mr. MADISON was Secretary of State, a friend of his purchased, at Washington city, HOPKINS' edition of *The Federalist*, and, in a conversation with Mr. MADISON relating to it, he requested him to furnish an index to the numbers, for his private use. Mr. M. then gave him a pencilled memorandum of the numbers he had written, which was sealed in the first volume, where it now is, and from that pencilled memorandum, in the handwriting of Mr. MADISON, I copied the numbers into my note of the 10th ultimo.

"If any corroboration of this proof were wanting, the numbers in question will furnish it. *The New York Evening Post* says Mr. M. wrote Nos. 37 to 48, inclusive, and that Mr. Hamilton wrote all the succeeding ones, except No. 54.

"No. 47 commences with 'The meaning of the maxim, which requires a separation of the departments of power, examined and ascertained.'

"No. 48, 'The same subject continued, with a view to the means of giving efficacy in practice to that maxim.'

"No. 49 & 50, continue and conclude the subject, with the same view.

"No. 49 contains the following sentences: 'The au-

"thor of the "*Notes on the state of Virginia*," quoted "in the last paper, has subjoined to that valuable work "the draft of a constitution which had been prepared "in order to be laid before a convention expected to be "called in 1783, by the legislature, for the establish- "ment of a constitution for that commonwealth. The "plan, like every thing from the same pen, marks a turn "of thinking, original, comprehensive, and accurate; "and is the more worthy of attention, as it equally dis- "plays a fervent attachment to republican government, "and an enlightened view of the dangerous propensities "against which it ought to be guarded.' Here are two "material circumstances tending to designate Mr. MAD- "ISON as the author of these numbers. First, they relate "to the same point of enquiry which is illustrated by "a reference to all the examples furnished by the history "of other nations, and the constitutions of the several "states composing our confederacy. The argument is "pursued with a unity of design and execution, which "renders it almost impossible, certainly altogether im- "probable, that it is the production of more than one "person. Nos. 47 & 48, which it is admitted were writ- "ten by Mr. MADISON, enter into the marrow of the sub- "ject; and wherefore would he leave it unfinished, when "more than half completed?

"2d. The quotation from No. 49, goes far to prove "that Mr. MADISON wrote it. Mr. JEFFERSON is there "referred to in terms of distinguished approbation — "None but a zealous friend would have expressed such "an unqualified eulogium on him; and it is well known "that Mr. M. has always manifested the most unbounded "regard for that gentleman. Other inherent evidence "might be adduced, but the labor would be an act of "supererogation.

"CORRECTOR."

From some cause which does not appear, unless it is

to be found in the letter itself, Mr. COLEMAN did not see fit to continue the discussion with "CORRECTOR," but contented himself with promising to do so in the future,—a promise which he does not appear to have fulfilled, at any time.

The following is the only notice of "CORRECTOR" which the files of *The Evening Post* contain, during the year succeeding the publication of his second letter in the *National Intelligencer*; and, so far as can now be ascertained, "CORRECTOR" does not appear to have been again interfered with by any one.

[From *The New York Evening Post*, No. 4652, New York, Tuesday, May 6, 1817.]

"*The Federalist*.—The correspondent of the *National Intelligencer*, who appears, under the signature of "'CORRECTOR,' has, at length, replied to the answer which "I gave some time since, to his first communication relative to the respective writers of the numbers of *The Federalist*; in which he repeats his assertion that Mr. MADISON is the author of many more of those papers than has been generally supposed, and which he particularly enumerates. For the present, I merely apprise him and the public, that I shall, hereafter, as soon as I shall have collected certain circumstantial testimony, corroborative of my former statement, shew, from inducible evidence, verbal and documentary, that it is substantially correct."

At the same time that Mr. COLEMAN maintained a dignified silence toward "CORRECTOR," he was equally silent on the question generally, as much so indeed as if no such question existed; and not until the following January, when Mr. GIDEON issued a Prospectus for a new edition of the work, did there appear a syllable on the subject, in the columns of *The Evening Post*.

While the political friends of the two principal authors of the *The Federalist* were thus engaged in discussing the question which Mr. DELAPLAINE had unwittingly raised, the more intimate personal friends of Mr. MADISON, and probably Mr. MADISON himself, were not passive spectators of the war of words which raged around them. One of the former, the late RICHARD RUSH, a statesman of eminent abilities, who possessed to an unusual extent the confidence of the latter, and held a seat in his cabinet, had the forethought to secure from the hands of Mr. MADISON himself the written testimony of that gentleman on the well-contested question, and to certify its genuineness for the benefit of those who might appeal to it after his decease. That interesting manuscript, with its accompanying certificate, has since descended to his eldest son, and is treasured by the latter as one of his most precious heirlooms ; the reader, therefore, will peruse with peculiar pleasure the following complete description of them from the hand of the gentleman who now possesses them, by whom it has been communicated for insertion in this work.\*

“*Mount Airy, near Philadelphia,*  
“ 29th August, 1863.

“DEAR SIR,

“Every fresh opportunity afforded to the American People to study and comprehend, and thereby learn “to reverence and obey, that matchless written Constitution, the very first object of which, as expressed in “its opening words, was to form a more perfect Union, “is a fresh avenue to the glory and perpetuity of the “Union, and deserves the cordial coöperation of every “one. The Papers entitled ‘The Federalist, on the

\* I avail myself of this opportunity to express my sense of the very great obligation which I am under to Mr. Rush for the kindness with which he responded to my request for carefully prepared copies of the important papers to which reference has been made.

“ New Constitution, written in 1788 by Mr. HAMILTON,  
“ Mr. JAY and Mr. MADISON,’ to commend to the calm  
“ consideration and deliberate approval of the People  
“ of the United States that great instrument of Gov-  
“ ernment, illustrating, by their consummate ability, a  
“ rare combination of the powers of the human intel-  
“ lect in expounding truth in elementary discussion, no  
“ less than the profound knowledge and wisdom of the  
“ writers, conveyed in the simplest and most convinc-  
“ ing style, have so triumphantly accomplished that  
“ great design, that nothing more seems required to  
“ the full knowledge and understanding of the one,  
“ than a perfect familiarity with the other. Hence, I  
“ regard as of the utmost importance, the enterprise in  
“ which your letter informs me you are engaged of pre-  
“ paring for the press a new edition of The Federalist  
“ with the aid of such authentic materials as you men-  
“ tion have been placed in your hands, intended to throw  
“ additional light upon the early history of that great  
“ work, and thereby give it additional interest in the  
“ eyes of the American People.

“ The enterprise has peculiar importance at this great  
“ epoch of our history. Had there been more students  
“ of The Federalist, there would have been fewer in-  
“ tellects scathed by the delirium of Secession. Had  
“ more of our modern statesmen erected their knowl-  
“ edge of the theory and principles of their Government  
“ upon the solid and sure foundation to be derived from  
“ every page of that work, rather than the miserable  
“ one of ignorant fanatical discussion, sectional jealousy,  
“ and ill-weaved sectional ambition, the halls of Con-  
“ gress would never have been partially deserted for  
“ fields of civil strife; nor would the future historian  
“ of this country be compelled to chronicle a gigantic  
“ and infamous Rebellion, which, while it checked, for a  
“ time, the amazing prosperity, served only to demon-

"strate, and triumphantly assert, the still more amazing power and resources, irresistible authority and imperial grandeur, of the United States ; but a Rebellion which caused, alas, the frightful expenditure of rivers of blood and millions of treasure ; in recalling which "Humanity weeps over the hosts of heroic slain and maimed, and the heart of the Nation heaves in deepest grief and sympathy with the desolate wives and mothers. You are therefore, in my opinion, permit me to say, rendering a signal service to the great cause of the Union, in the object in which you have embarked ; and I cheerfully proceed, in answer to your letter, to furnish my humble contribution to your task.

" You are pleased to invite from me such materials, known to you to be in my possession, as go to establish the authorship of the several numbers of *The Federalist*, about which there has been some controversy.

" My edition of the work came to me under the will of my late father as a part of his library. It is the edition of WILLIAMS and WHITING, New York, 1810, in two volumes, forming part of *The Works of Alexander Hamilton*, in three volumes, by the same publishers.

" This edition belonged to him certainly as early as 1816, as will be seen. From 1814 to 1817 my father was Attorney-General of the United States, and as such a member of the cabinet of Mr. MADISON, then President. I may perhaps be permitted to say that he was honored with the friendship, as with the confidence, of that illustrious statesman, pure patriot, and eminent chief magistrate.

" On a fly-leaf of the second volume there is the following memorandum in my father's handwriting. I copy it exactly as it appears : —

“‘The initials J. M. J. J. and A. H. throughout the work, are in Mr. MADISON’s hand, and designate the author of each number. By these it will be seen, that although the printed designations are generally correct, they are not always so. The manuscript note “from page 123 to 128 volume first,\* is also by Mr. MADISON.

“‘R. R.

“‘Washington 1816.’

“The initials ‘R. R.’ and the date are also in my father’s hand.

“The Federalist consists, as you are aware, of LXXXV. separate numbers. Each bears at its head, “in my edition, the printed word, ‘Number I.,’ ‘Number II.,’ and so on, to the end of the series; each number having the name (or supposed name) of the writer printed immediately underneath.

“For example: under ‘Number I.’ is the name of Mr. HAMILTON,—thus, ‘By Mr. HAMILTON.’ To the right of ‘Number I.’ are the manuscript initials “‘A. H.’ which of course are in Mr. MADISON’s hand, “according to the foregoing memorandum by my father “on the fly-leaf; showing that the printed designation “of the authorship is in this instance correct.

“So of Number II. The manuscript initials ‘J. J.’ show the same thing; the printed designation of the authorship being ‘By Mr. JAY.’

“Of each of the numbers from III. to XVII., both included, the same is true, the manuscript initials corresponding, in each instance, with the writer’s name as printed; Numbers III., IV., and V. being the production of Mr. JAY, Numbers X. and XIV. of Mr. MADISON, and the others of Mr. HAMILTON, and indicated accordingly by the manuscript initials, ‘J. J.,’ “‘J. M.,’ ‘A. H.’

“\* 2d of this Edition.” — *Benj. Rush.*

" Number XVIII., according to the printed designation, appears to be 'By Mr. HAMILTON and Mr. MADISON.' But the pen is drawn over the words "'Mr. HAMILTON and,' leaving the printed designation 'to read simply 'By Mr. MADISON,' the manuscript initials 'J. M.' occupying the usual place to the right "of the number.

" Precisely the same remark applies to Numbers XIX. and XX., of which, therefore, we have Mr. MADISON's authority for saying that he was himself the *sole* author, equally as of Number XVIII.

" From Number XXI. to Number XXXVI., both included, the manuscript initials 'A. H.' correspond with the printed designations of the authorship, showing each number to have been the work of Mr. HAMILTON's powerful and accomplished mind and pen.

" From Number XXXVII. to Number XLVIII., both included, the initials 'J. M.' in manuscript correspond in like manner with the printed name of the writer, showing each of those numbers to have been "the production of the learning and wisdom of Mr. MADISON.

" Numbers XLIX. to LVIII., both included, are each ascribed in the printed designation to Mr. HAMILTON. "In my edition the pen is drawn, in the case of each number, across Mr. HAMILTON's name, and the manuscript initials 'J. M.' substituted, showing Mr. MADISON to have been the writer. The single Number LIV. shows the name 'JAY' in manuscript, near those initials, over which the pen has been again drawn, leaving the manuscript initials 'J. M.' as before.

" Numbers LIX., LX., LXI., ascribed to Mr. HAMILTON in print, are equally shown to be the productions "of his pen by the manuscript initials 'A. H.' in each instance.

" Numbers LXII., LXIII., of which Mr. HAMILTON " is designated in print as the writer, each have a pen " mark drawn across his name, for which, in each case, " the manuscript initials 'J. M.' are substituted.

" So of Number LXIV., ascribed in print to Mr. " HAMILTON. A pen mark, drawn across his name, " and the manuscript initials 'J. J.' substituted, point " to Mr. JAY as the writer.

" To the right of Number LXV. stand these initial " letters and words in manuscript, 'A. H. & to the " end,' and I find that each of the remaining numbers " to LXXXV., (the last,) inclusive, is, according to this, " correctly ascribed in print to Mr. HAMILTON, exhib- " iting a monument of the industry, as well as great " powers of mind, of that extraordinary man.\*

" I have thus endeavored to respond, as fully as I " could, to your call, and shall be gratified if I have " been able to aid your important object. Am I ven- " turing too far in asking permission, having given you " an extract from one of the fly-leaves of my edition, " to introduce another, in attestation to the exalted " character of The Federalist, as viewed by one of the " most profound statesmen in Europe ?

" " Paris, October 9. 1849. In conversation last night " with the Minister of Foreign Affairs, M. GUIZOT, at " his own house, about this work, (the portrait of Mr. " HAMILTON which hung in his salon having led to " the conversation) he said of it, that " *in the applica-*

\* While the proofs of this sheet were in my hands, I was favored by A. R. SPOFFORD, Esq., assistant librarian of Congress, with very carefully prepared copies of the manuscript memoranda which Mr. MADISON made in his own copy of *The Federalist*, — that described by Mr. ELLIOT, in the *Washington City Gazette* of February 2, 1818, to which reference will be

made in the text, (*post*, p. lii.,) — and they agree, in every respect, with those which he made in the copy belonging to Mr. RUSH, as described in the letter.

For the privilege of using the memoranda referred to I am indebted to the venerable General PETER FORCE, of Washington, in whose invaluable collection a careful copy of them has been preserved.

“*tion of elementary principles of government to practical administration, it was the greatest work known to him.*”

“‘R. R.’

“This memorandum and the initials ‘R. R.’ are also “in my father’s hand, while Minister to France, and “are from the fly-leaf at the end of the first volume. “When it is remembered that M. Guizot, then also “Prime-Minister of France, was considered to be not “only among the most profound, but *best read*, states- “men in Europe, besides being one of the ablest mem- “bers of the French Chamber of Deputies, where in- “tellect and learning and talents of the highest order “abound, this tribute to the authors of *The Federalist* “will not, I imagine, detract from our high apprecia- “tion of the work.

“I am,

“Dear Sir,

“Your very faithful servt.

“BENJAMIN RUSH.

“HENRY B. DAWSON, Esq.,

“Morrisania, New York.”

On the eighth of December, 1817, an article appeared in the *Washington City Gazette*, in which the subject was again introduced to the public, and a list which had been “furnished by a gentleman who received it from “Mr. MADISON” was given to the world and pronounced to be “indisputably correct.”\*

On the first day of January, 1818, JACOB GIDEON, Junior, a printer doing business in the city of Washington, issued “*Proposals*” for the publication of

\* The only file of the *Washington City Gazette* which I have heard of—that in the library of the New York Historical Society—does not contain a single number of an earlier date than January 3d, 1818; and as the only copy of the arti-

cle referred to in the text which I have found—that which appeared in *The New York Commercial Advertiser* of December 17th, 1817—is evidently imperfect, I have been obliged to omit this portion of the discussion.

a new edition of *The Federalist*, among which was the following: "Having been furnished with the names of "the writers of the different numbers from a source "which cannot be questioned, he will attach the author's "name to each number, that the reader may know, "without difficulty, by whom it was written."

Following so closely the article which had appeared in the *Washington City Gazette* on the eighth of December preceding, these "*Proposals*" appear to have aroused Mr. COLEMAN; and, having no longer any fear of "CORRECTOR," and seeing before him only an industrious printer whose pen was armed with no terrors, that veteran partisan writer hastened to assail Mr. GIDEON and his "*Proposals*," in the columns of *The Evening Post*, and to threaten him with "the penalty of having "his edition denounced" in that paper, if the statement concerning the authorship which had appeared, a few days before, in the *Washington City Gazette* should be "adopted" in the proposed new edition.

As Mr. COLEMAN added considerable matter of general interest to the indiscreet threat to which reference has been made, the entire article will be found worthy of a perusal; and, consequently, it is transferred *in extenso* to these pages. The following is an exact copy:—

[From *The New York Evening Post*, No. 4875, New York, Tuesday, January 27, 1818.]

"*The Federalist*.—It is announced in the newspapers "at Washington, that a new edition of this work is in "press, at that place, and will be delivered in November "next, with the names of the respective numbers pre- "fixed to each, as obtained 'from a source which cannot "be questioned.'—The *Washington City Gazette*, also, "in December last, observing that 'as a contrariety of "opinions, on the subject of the different writers of this "work existed, he, for the satisfaction of the public, and

“to put the question at rest,’ gave a list that was ‘furnished by a *gentleman* who received it from Mr. MADISON,’ which he says will be found ‘*indisputably* correct.’ ‘This was improved by another editor into the assertion ‘that the list was furnished by Mr. MADISON himself.’ ‘But whoever furnished it, or whencesoever it was derived, I scruple not to say, it is not entitled to credit; ‘and I caution Mr. GIDEON, the publisher, against adopting it in his work, under the penalty of having his edition denounced: and I now proceed to give the proofs upon which I speak with such confidence.

“In the *National Intelligencer* appeared the first attempt to rob the dead, in order to decorate the brows of the living; and the following paragraph appeared “in that paper of March 16th, as from a correspondent.

“‘I take it upon me to state from *indubitable* authority, that Mr. MADISON wrote Nos. 10, 14, 18, 19, 20, “37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, “52, 53, 54, 55, 56, 57, 58, and 62, 63 and 64. Mr. JAY “wrote Nos. 2, 3, 4 and 5, and Mr. HAMILTON the residue.’

“The writer of this paragraph, in order to give it the most imposing air, added, that if the list was disputed, “he appealed to Gen. HAMILTON’s papers that he left behind him, and they would shew it to be correct. He was taken at his word; the papers were appealed to, “and the following was given to the public as an exact transcript of the one left by Gen. HAMILTON “with a friend a few days before his untimely death, “and doubtless, in express apprehension of that awful event.

“‘ Numbers 2, 3, 4, 5 and 54,\* Mr. JAY.  
“‘ \_\_\_\_\_ 10, 14, 37 to 48 inclusive, Mr. MADISON.  
“‘ \_\_\_\_\_ 18, 19, 20, Mr. MADISON and Mr. HAMILTON jointly.

“\* A mistake for 64.” — *Evening Post.*

“ ‘ All the rest by Mr. HAMILTON.’

“ A corresponding key has long been in the possession  
“ of several gentlemen here; furnished, soon after *The*  
“ *Federalist* appeared in volumes, by Mr. ROYAL FLINT,  
“ a man of letters and a political writer, since dead, but  
“ at that time in habits of intimacy with Gen. HAM-  
“ ILTON, and all the principal men of that day, and who  
“ asserted, on his personal knowledge, that it was cor-  
“ rect.

“ From this it appears that the Washington list is in-  
“ correct as to every one of the writers named: For in-  
“ stance: No. 64 was claimed by Mr. MADISON which  
“ certainly belonged to Mr. JAY, who was long denied to  
“ have written more than four papers: Nos. 18, 19, and  
“ 20, were claimed by him, although thus proved to be  
“ long jointly to himself and Mr. HAMILTON; and no less  
“ than twelve entire papers, namely, from 49 to 55, and  
“ 62, 63, also claimed by MADISON, were solely written  
“ by HAMILTON. The result of this investigation was  
“ immediately published in this paper, and the substance  
“ of it copied into most of the other papers in the United  
“ States. A little dissatisfaction was manifested in the  
“ *National Intelligencer*, at the time, with a promise that  
“ the subject should be resumed at some future day,  
“ when the ‘*indisputable* authority’ should return from  
“ the South. The next we hear worth attention, is from  
“ the article in the *Washington City Gazette*, above  
“ quoted, and copied into *The Commercial Advertiser*;  
“ in which, the editor, without taking the least notice of  
“ the errors which had been detected by gen. HAMIL-  
“ TON’s papers, to which Mr. MADISON’s friend had ex-  
“ pressly appealed, and by which he was consequently  
“ forever concluded, undertakes to repeat that he will  
“ put the question in dispute, forever at rest, by giving a  
“ list ‘furnished by a [nameless] gentleman [at second  
“ hand] who received it from Mr. MADISON himself,’

" which, he adds, 'will, (also,) be found *indisputably* correct.' This, the reader will remember, is long after he " knew its correctness was not only disputed, but by the " highest authority proved to be false. The *Gazette* " then proceeds to give his list thus furnished :

" By this it appears that letters 1, 6, 7, 8, 9, 11, 12, " 13, 15, 16, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, " 33, 34, 35, 36, 59, 60, 61, 65, 66, 67, 68, 69, 70, 71, 72, " 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, were " written by Mr. HAMILTON. Letters 2, 3, 4, 5, 64, by " Mr. JAY. And letters 10, 14, 17, 18, 19, 21, 37, 38, 39, " 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, " 55, 56, 57, 58, 62, 63, by Mr. MADISON. Fifty by Mr. " HAMILTON; five by Mr. JAY; and thirty by Mr. MADISON."

" It may now be worth our while to examine how far " these two *authentic* lists, both derived from *indubitable* " authority, both asserted to be, indirectly, from Mr. " MADISON himself, and both declared *indisputably* cor- " rect, agree with one another, and how far they do " not; because, if it is found they differ materially from " each other, it will no longer be pretended, I presume, " that they are both '*indisputably* correct.'

" First, then, in the *National Intelligencer* it was as- " serted that Mr. JAY only wrote four papers, viz. 2, 3, 4 " and 5; and this assertion was persisted in after the " error had been publicly rectified and pointed out. It " was asserted that Mr. MADISON wrote 64, and it was " accordingly set down in the first list claimed by him. " But here in this second list, in the *City Gazette*, we find " the number allowed Mr. JAY is five, and 64 is, at length, " given up. The truth is the fact had been ascertained " and stated by Mr. JAY's biographer in DELAPLAINE'S " *Repository*, and the chasm which occurred between the " 5th and 64th number accounted for, in a manner that " convinced *somebody* it would not be prudent to persist

"in urging a claim, while the witness who could prove its injustice was still alive.

"Again: In the first list in the *National Intelligencer* "20 is claimed as Mr. MADISON's, as well as 64. In the "second in the *City Gazette*, 20 is allowed to Mr. HAMILTON, as 64 is to Mr. JAY.

"In the second list 17 and 21 are both claimed by "Mr. MADISON, but in the first both these numbers, 17 "and 21, are given to HAMILTON.

"Thus we see irreconcileable discrepancies in the two "‘indisputably correct’ lists, and yet it is boldly asserted "that both are placed beyond all controversy, and both "derived from a source that admits of no doubt. ‘The "collision of one falsehood with another,’ says an able "polemic divine, ‘has often demonstrated the falsity "of both.’ To sum up the whole in a word: a partic- "ular mode of proof is pointed out as conclusive, and "by this it has appeared that one paper claimed by Mr. "MADISON, viz. 64, was written by Mr. JAY; that three "other papers claimed by Mr. MADISON, viz. 18, 19, and "20, were written by HAMILTON and himself jointly; "and that ten others, viz. from 40 to 58, and 62, 63, "now claimed by Mr. MADISON, were not any part of "them written by him, but solely by Mr. HAMILTON. In- "stead, therefore, of the statement that 50 were by Mr. "HAMILTON, 30 by MADISON, and 4 by Mr. JAY; it ap- "pears, by evidence of their own selection, that 62 were "written by HAMILTON, 3 by him and MADISON jointly, "5 by Mr. JAY, and the residue, viz. 16 only by Mr. "MADISON.

"How must every generous mind revolt at this ruth- "less attempt to wrest any portion of his just fame, "from as able and disinterested a friend to this country "and its liberties, as ever breathed? Alas! he has left "no other patrimony to his children! In the name of "justice as well as of mercy, then, seek not to lessen it."

On the following day, (January 28, 1818,) Mr. COLEMAN continued the discussion by publishing the following supplementary article:—

[From *The New York Evening Post*, No. 4876, New York, Wednesday, January 28, 1818.]

“It has been suggested that I was less explicit than I “might have been, in the article entitled *The Federalist*, “in last evening’s paper, respecting the memorandum “there mentioned as left by Gen. HAMILTON, designating the respective authors of that work: I, therefore, for the entire satisfaction of the public, now state, “that the memorandum referred to is in General HAMILTON’s own hand writing, was left by him with his “friend judge BENSON, the week before his death, and “was, by the latter, deposited in the city library, where “it now is, and may be seen, pasted in one of the “volumes of *The Federalist*. ”

To the insolent threat which Mr. COLEMAN had issued in the former of these articles, the printer of the new edition published the following temperate answer:—

[From the *City of Washington Gazette*, Monday, February 2, 1818.]

“NEW EDITION OF THE FEDERALIST.

“TO THE EDITOR OF THE CITY OF WASHINGTON GAZETTE.

“MR. ELLIOT,—The Editor of the *New York Evening Post*, in his paper of the 27th ult. has thought “proper to caution me against the adoption of the list “of authors of *The Federalist*, as published in the “papers of this city, in the edition of that work which “I am about to put to press, ‘under the penalty of having it denounced.’ This premonition is the more surprising, inasmuch as I had stated that the names of the

“ authors would be procured ‘from a source which can-  
“ not be questioned.’

“ In pursuance of my original intention, I wrote to  
“ Mr. MADISON, the late President of the United States,  
“ and who is well known to have been one of the writers  
“ of *The Federalist*; and he has been so kind as to lend  
“ me his copy of it, with the name of the author of each  
“ number prefixed in his own hand writing; and with  
“ various corrections of the text as made by himself in  
“ those numbers which came from his pen. I hope,  
“ therefore, that I may escape the penalty of Mr. COLE-  
“ MAN’s denunciation, and that he will be candid enough  
“ to allow that Mr. MADISON is quite as good authority  
“ in relation to the authorship in question as Gen. HAM-  
“ ILTON, and that in appealing to the living memory of  
“ the former I inflict no injury on the memory of the  
“ dead.

“ In addition to *The Federalist*, the volume, which a  
“ liberal patronage justifies me in immediately publish-  
“ ing, will contain the old act of confederation, the pres-  
“ ent constitution of the United States, the letters of  
“ *PACIFICUS*, by Gen. HAMILTON, on President WASHING-  
“ TON’s proclamation of neutrality, and the letters of  
“ *HELVIDIUS*, written (by Mr. MADISON) in reply to *PA-*  
“ *CIFICUS*. This explanation, I trust, will be satisfactory  
“ to the public, and fix their confidence in the accuracy  
“ of the edition which I offer them.

“ I am, sir, respectfully, your obt. servt.

“ JACOB GIDEON, junr.

“ February 2, 1818.”

Appended to this letter, in the columns of the *Gazette*, is the following editorial article:—

“ Mr. GIDEON has been so polite as to allow us to ex-  
“ amine Mr. MADISON’s copy of *The Federalist*. It is

“ of the edition of 1799, printed in New York, by JOHN TIEBOUT. On comparing the list of authors inserted “ in this *Gazette* on the 8th of December last, with “ the designation of authorship in Mr. MADISON’s hand- “ writing in his own copy, we find that the former was, “ in some respects, erroneous. The following, however, “ taken from the volumes now before us, may be confi- “ dently relied on :

“ Nos. 1, 6, 7, 8, 9, 11, 12, 13, 15, 16, 17, 21, 22, 23, “ 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 59, 60, “ 61, 65, to 85 inclusive, by Mr. HAMILTON.

“ Nos. 2, 3, 4, 5, 64, by Mr. JAY.

“ Nos. 10, 14, 18, 19, 20, 37 to 58 inclusive, and 62 “ and 63, by Mr. MADISON.

“ This designation differs very widely from that of the “ editor of the *New York Evening Post*, who denies Mr. “ MADISON the authorship of twelve numbers to which “ he is entitled, to wit : Nos. 49, 50, 51, 52, 53, 54, 55, 56, “ 57, 58, 62, and 63 ; and claims for Mr. HAMILTON a par- “ ticipation in Nos. 18, 19, and 20. With respect to these “ last three numbers, we find the following note, at No. “ 18, in Mr. MADISON’s copy, and in his own hand-writing :

“ ‘ The subject of this and the two following numbers “ happened to be taken up by both Mr. H. and Mr. M. “ What had been prepared by Mr. H. who had entered “ more briefly into the subject, was left with Mr. M. on “ its appearing that the latter was engaged in it, with “ larger materials, and with a view to a more precise “ delineation ; and from the pen of the latter the sev- “ eral papers went to the press.’

“ The question may be now considered as settled, and “ we are willing to let it rest here. But if Mr. COLEMAN “ continues to persist in asserting the correctness of his “ erroneous list, we will proceed to show, from the top- “ ics and style of the contested numbers, that Mr. MAD- “ ISON has a fair claim to them.

" We congratulate the public upon the prospect of  
" Mr. GIDEON's edition of *The Federalist*, which prom-  
" ises to be the most perfect and satisfactory that the  
" American people have yet seen of that valuable pro-  
" duction."

To these articles, on Tuesday, the seventeenth of February, 1818, Mr. COLEMAN replied through the columns of *The New York Evening Post*, in which he admitted that the literary reputation of neither Mr. MADISON nor General HAMILTON rested "on the precise numbers of " *The Federalist* that each wrote;" and "that the recol- " lections of both may have been so imperfect as to have " very innocently erred as to a particular paper, or two " or three papers; but with regard to so great a number "as twelve, stated by HAMILTON to have been written by " him, but now claimed by Mr. MADISON, he felt himself " compelled to say he was utterly unable to devise any " satisfactory solution, that will be consistent with the " honor of both gentlemen." At the same time he ex- " pressed his continued confidence in General HAMILTON's statements; and contrasted that gentleman's character for veracity with that of Mr. MADISON, in doing which he denounced the latter in the most bitter terms. As he had done some months before, however, when " COR- " RECTOR" opposed him, Mr. COLEMAN saw fit to withdraw from the controversy which he had provoked by his threatened denunciation of Mr. GIDEON, and expressed his willingness to rest the dispute there, purposely avoid- ing, to that end, the use of any language which might give fresh occasion to prolong a controversy, which, he feared, could never be settled to the entire satisfaction of all parties.

Notwithstanding this second unmanly withdrawal from the face of an opponent who appeared to be a match for him, another article, from the same pen, on

the seventh of March following, reiterated the charges against Mr. MADISON; and Mr. RUSSELL, editor of *The Boston Centinel*, who had ventured to consider that the statement of Mr. MADISON and those of General HAMILTON “must stand on the *same* elevation until one or the other “is removed by contradictory or confirmatory facts,” suffered “the penalty” which had been prepared for, but not imposed upon Mr. GIDEON, the publisher of the new edition of *The Fæderalist*.

The dispute does not appear to have been revived; and in the errors — which are evident, and acknowledged by his most zealous friends — into which General HAMILTON had fallen in the preparation of the memorandum which he left in Judge BENSON’s office, as well as of that which was written in his own copy of *The Fæderalist*; in the recollections of Mr. JAY, imperfect as they are acknowledged to have been, even concerning those numbers of which he was the author; in the structure of many of the disputed numbers themselves; and in the general assent of the literary and legal communities to the classification of the authors as made by Mr. MADISON in his own copy of *The Fæderalist*, and copied by Mr. GIDEON, the reader may find evidences of the good judgment which Mr. COLEMAN displayed in withdrawing from a controversy, in the conduct of which his own violent temper, his uncontrollable partisan bitterness, and his ignorance of the exact truth concerning the subject in dispute, or his willingness to conceal it when it conflicted with his purposes, rendered him the most valuable auxiliary of his opponents, and the most dangerous ally of his friends.

While *The Fæderalist* was yet incomplete, the great ability which had been displayed by its authors had so far attracted the attention of the reading public throughout other States than that for which it had been especially written, that a collective edition of the essays

was considered desirable, and Messrs. J. & A. M'LEAN, No. 41 Hanover Square, New York, were induced to collect and put them to press, in a convenient form, and to offer them for sale at a moderate price.

Accordingly, on the first day of January, 1788, these gentlemen issued the following Prospectus: \*—

*In the Press, and speedily will be published,*

**The FEDERALIST;**

A collection of ESSAYS, written in favor of the

NEW CONSTITUTION,

By a CITIZEN of NEW-YORK:

Corrected by the author, with additions and alterations.

**C O N D I T I O N S .**

This work will be printed on a fine paper and good type, in one handsome volume duodecimo.

The number of pages the volume will contain, cannot rightly be ascertained, as the author has not yet done publishing, but the printers engage to deliver them to subscribers at the very reasonable rate of Five Shillings for 200 pages, Six Shillings if 250, and all above gratis.— The numbers already published will make more than 200 pages, and the author does not seem to be nigh a close.

To render this work more complete, will be added,  
without any additional expence,  
Philo-Publius, and the Articles of the Convention,

As agreed upon at Philadelphia, Sept. 17. 1787.

\* \* \* A few copies will be printed on superfine royal writing paper, price Ten Shillings.

\* This Prospectus is copied from 893, New York, Thursday, January  
*The Daily Advertiser*, Vol. IV. No. 3, 1788.

††† No money required till delivery.

Subscriptions are taken in by J. M'LEAN, and Co.  
No 41, Hanover-square, by the Printer hereof, by  
the several Booksellers of the city, and by all o-  
thers entrusted with proposals.

New-York, January 1, 1788.

It will be perceived that the printers had been made acquainted with so little of the plan of *The Federalist* that they proposed to issue the entire work, together with the essays of "PHILO-PUBLIUS," in a single duodecimo volume of about two hundred and fifty pages; and there is no evidence that any other of their promises was entitled to any greater amount of confidence,—there certainly are no "additions," in this edition, to the text of the numbers which had appeared in the newspapers when it was published; while the "corrections" and "alterations" of that text which it contains are so few in number and so trivial in their character that they are entitled to no particular notice.

On Saturday, the twenty-second of March, 1788, the following advertisement appeared in *The Independent Journal; or, The General Advertiser*, from which it appears that the first volume was published on that day:—

THIS DAY IS PUBLISHED,  
Price to Subscribers, *only THREE SHILLINGS,*  
*The FEDERALIST,*  
*VOLUME FIRST.*

**A** Desire to throw full light upon so interesting a subject has led, in a great measure unavoidably, to a more copious discussion than was at first intended; and the undertaking not being yet completed, it is judged adviseable to divide the collection into two Volumes.

The several matters which are contained in these Papers, are immediately interwoven with the very existence of this new Empire, and ought to be well understood by every Citizen of America. The Editor entertains no doubt that they will be thought by the judicious reader, the cheapest as well as most valuable publication ever offered to the American Public.

The second Volume is in the Press, and will be published with all possible expedition.

Subscribers will be pleased to send for their Copies, to the Printing-Office, No. 41, Hanover-Square, four Doors from the Old-Slip.

\* \* \* Those Gentlemen who were intrusted with Subscription Lists, will please to return them to the Printers; and those in the Country are desired to forward theirs immediately.

*New-York, March 22, 1788.*

The volume which was thus announced bears the following title:—

"The | Federalist : | a collection | of | essays, | written in favour of the | new constitution, | as agreed upon by the federal convention, | September 17, 1787. | "In two volumes. | Vol. I. | New-York : | Printed and sold by J. and A. M'LEAN, | No. 41, Hanover-Square. | "M,DCC,LXXXVIII."

It forms a neatly printed duodecimo of two hundred and thirty-three pages, which are thus arranged: Title, as above; *verso*, blank,—both unpage; iii. iv., prefatory remarks, without a heading; v. vi., "Contents"; 1 to 227, "The Federalist: addressed to the People of the State of New-York." It is printed in signatures of twelve pages each, on good paper, with a neat, but small-sized, long-primer type, (ninety-three to the foot,)

probably of European make, the prefatory remarks being in pica Italics.

On Wednesday, the twenty-eighth of May, 1788, the following advertisement in *The Independent Journal; or The General Advertiser*, announced the publication of the second volume of the work :—

*This Day is published,*  
The FEDERALIST,  
VOLUME SECOND.

THIS inestimable Work is offered to *Non-Subscribers* at the low rate of EIGHT SHILLINGS the two Volumes, which contain upwards of six hundred Pages.

The several matters which are contained in these Papers, are *immediately* interwoven with the very existence of this new Empire, and ought to be well understood by every Citizen of America. The Editor entertains no doubt that they will be thought by the judicious reader, the cheapest as well as most valuable publication ever offered to the American Public.

\* \* \* Subscribers are requested to send immediately for their Copies to the Printing-Office, No. 41, Hanover-Square, four Doors from the Corner of the Old-Slip.

Those Gentlemen who were intrusted with Subscription-Lists are requested to return them to the Printer immediately.

*New-York, May 28, 1788.*

The volume which was thus announced bears the following title :—

“ The | Federalist : | a collection | of | essays, | written in favour of the | new constitution, | as agreed upon

“by the federal convention, | September 17, 1787. |  
“In two volumes. | Vol. II. | New-York : | Printed and  
“sold by J. and A. M'LEAN, | No. 41, Hanover-Square. |  
“M,DCC,LXXXVIII.”

It forms a neatly printed duodecimo of three hundred and ninety pages, which are thus arranged : Title-page, as above ; *verso*, blank, — both unpage; iii. to vi., “Contents”; 1 to 365, “The Federalist: addressed to the People of the State of New-York”; 366, blank; 367 to 384, “Articles of the New Constitution; as agreed upon by the Federal Convention, September 17, 1787.”

In every other respect than the number of pages it contains it is uniform in appearance with the first volume which has been already described; and both volumes are entirely without illustrations.

The text of Numbers I. to LXXVII., inclusive, which was produced in this edition of *The Federalist* is, with very slight alterations, that which had been previously published and circulated in the columns of the various newspapers of the day, — indeed, the “additions” thereto, which had been promised in the Proposals, are very few in number, and possess no importance whatever; that of Numbers LXXVIII. to LXXXV., inclusive, is from the author's manuscript, and is, therefore, the only authentic and authorized version of that portion of the work. The “alterations” in the earlier numbers, also, possess no interest beyond the confusion which they have produced in the numbers which are prefixed to the several essays, from Number XXIX. to the close of the work. In this new edition, the editor divided the original Number XXXI. into *two* distinct parts, (XXXII. and XXXIII.,) and the greater part of the *original* Number XXXV. he transferred, and with it formed a *new* Number XXIX. Of course the *original* Numbers XXIX. and XXX. became *new* Numbers XXX. and XXXI.; the

*original* Numbers XXXI. to XXXIV., inclusive, became *new* Numbers XXXII. to XXXVI., inclusive; and the *original* Numbers XXXVI. to LXXVI. became *new* Numbers XXXVII. to LXXVII. From the same cause when the Numbers LXXVIII. to LXXXV. of this edition, in which, as has been stated,\* they originally appeared, were reproduced in *The Independent Journal; or, The General Advertiser*, they were designated, in continuation of the series which had been commenced in that paper, Numbers LXXVII. to LXXXIV., inclusive; and there was no Number LXXXV. whatever in the latter.

At the same time that these changes in the numbers of the essays were produced by the simple “alterations” which have been referred to, the change which was made by Messrs. M'LEAN in the mode of publishing the work, by their *original* publication of the latter part of it in book-form instead of in *The Independent Journal*, when combined with the other cause of confusion, produced another singular result.

The *original* Number LXXVI. as it appeared in *The Independent Journal* on the second of April, 1788, was reproduced as Number LXXVII. in this first collective edition; while the *original* Number LXXVIII. as it appeared in this collective edition on the twenty-eighth of May was reproduced in *The Independent Journal* on the fourteenth of June, 1788, as Number LXXVII.; there was, therefore, *no original Number LXXVII.*; and the several *original* Numbers from LXXVIII. to LXXXV., inclusive, as they were first published in this edition, became respectively Numbers LXXVII. to LXXXIV., inclusive, in the reprint of them in the newspaper.

Such were the “alterations” which were promised in the Proposals for this edition. It requires a larger

\* *Ante*, page xxiii.

amount of unsuspecting credulity than has fallen to ordinary men to believe that the systematic mind of Colonel HAMILTON ever led him and his readers into such great confusion ; and the existence of that confusion confirms, if confirmation were needed on that subject, the testimony which has been received of the resolute firmness with which, to his latest days, the principal author of *The Fæderalist* maintained the sole authority of the *original* text of that work.

It remains only, in this connection, to notice the assumed authority under which the several alterations from the *original* text of *The Fæderalist*, were made by the editor of this edition of that work.

This work had been written by three persons and addressed to a particular, specified body-politic, for the purpose of inducing that body to do that which it had previously declared, informally, through the greater number of its members, individually, it would not do ; and terms had been submitted, through the arguments and statements of *The Fæderalist*, by which it was hoped that community might become reconciled to “the new system,” and approve, instead of reject, the proposed Constitution. The terms, it is said, had been accepted ; the reconciliation of many members of that body-politic, it is admitted, had been effected ; and “The People of the State of New York,” to some extent at least, taking the interpretation, by “PUBLIUS,” of that Constitution, as the true one, had determined to acquiesce in its establishment between itself and the other States of the Union. At the date of the publication of these volumes, therefore, *The Fæderalist* was no longer within the control of the authors themselves, much less within that of any other person. It was no longer an *executory* writing ; it had been *executed*, in spirit if not in fact ; and as well might the five distinguished men, or any of them, who had reported the Declaration of Inde-

pendence, have undertaken, *covertly*, to "correct" that instrument weeks after its publication, or at *any time after it had passed beyond their control, by their submission of it to the House*, as the three who had submitted *The Fœderalist*, or any of them, to withdraw that paper or any part of it, *covertly*, from before the People, for "correction" or for any other purpose.

Again: when three persons jointly submit terms to other parties, on any subject whatever, a minority of the proposers, even if a majority possesses any such authority, which is not admitted, cannot properly mutilate that proposition without the assent of its associates: how, then, could Mr. MADISON—the only person who has even tacitly acquiesced in any of these alterations—or either of his associates properly mutilate that to which there were other responsible parties, who had not directly consented to such mutilations?

Under these circumstances the real value of the text of this edition may be understood,—wherein it agrees with the version which was originally published by the authors and assented to by the People to whom it had been addressed it possesses value, and wherein that version has been departed from, except for the correction of *obvious* clerical or typographical errors, it is not trustworthy.

This neat little edition is scarce; there does not appear to be a copy of it in any public library in Boston, although it may be found in the Society and the Apprentices' Libraries, and in those of the New York Historical Society and the Mercantile Library Association, in the city of New York, of the Library Company in the city of Philadelphia, and of the Congress of the United States, in Washington. The only fine paper copy which I have examined is that in the library of the New York Historical Society.

The second edition of *The Fœderalist* appears to have

been published in Paris, in the year 1792, with the following titles: —

— *Le Fédéraliste, ou Collection de quelques Écrits en faveur de la Constitution proposée aux États-Unis de l'Amérique, par la Convention convoquée en 1787 : | Publiéés dans les États-Unis de l'Amérique par MM. HAMILTON, MADISON et GAY. | Citoyens de l'État de New-York. | Tome Premier. | A Paris. | Chez BRISSON, Libraire, rue Hautefeuille, n°. 20. | 1792.*"

— *Le Fédéraliste, ou Collection de quelques Écrits en faveur de la Constitution proposée aux États-Unis de l'Amérique, par la Convention convoquée en 1787 : | Publiéés dans les États-Unis de l'Amérique par MM. HAMILTON, MADISON et GAY. | Citoyens de l'État de New-York. | Tome Second. | A Paris. | Chez BRISSON, Libraire, rue Hautefeuille, n°. 20. | 1792.*"

These are two small octavo volumes of four hundred and twenty-two and five hundred and thirteen pages, respectively, which are thus arranged: The first volume, Bastard-title; *verso* to the bastard-title, blank; title-page, as above; *verso* to the title-page, blank; and "Avertissement," — all unpaged: *verso* to the "Avertissement," xxij. of "Constitution Des Etats-Unis"; iij. to xxij., introductory matter by the editor: \* xxij. to xlix., "Constitution Des Etats-Unis de l'Amérique"; l. to lij., "Table des Chapitres Contenus dans ce premier Volume"; 1 to 366, "Le Fédéraliste." The second volume, Bastard-title; *verso* thereto, blank; title-page, as above:

\* As I have not found a *perfect* copy of this edition I am unable to describe the character of the whole of this Introduction. Rock refers to it in his *Bibliotheca Americana Nova*. (Vol. I pages 38), 3d ed. but gives no description of it; and in the only copy of *Le Fédéraliste* in which any portion of it is to be

found, of which I can hear — that in the library of Harvard University, — there are only five pages of it (xxij. to xxi.). These embrace "reasons why America has adopted and will retain the Federal form of government, and why the translator has not corrected the Es says."

and *verso* thereto, blank,— all unpaged; 1 to 506, “Le Féderaliste”; 507 to 511, “Table des Chapitres Contenus dans ce second Volume.”

They are printed in signatures generally of sixteen pages each, designated by letters, on a thin, dark-colored paper, with type of the size then known as *Cicero ordinaire*,— similar to small pica,— leaded, and are without any illustrations, except head-pieces on page 1 of each volume and an occasional tail-piece.

The translator of this edition was M. TRUDAINE DE LA SABLIERE; and, in addition to the elaborate Introduction already referred to, he added many judicious Notes for the illustration of different portions of the text.

The description of this edition which is here given is the result of a careful examination of the imperfect copy which is in the library of Harvard University, and of the second volume only of what appears to be the same work, which is in the library of the New York Historical Society.

In the same year (1792) another edition of *Le Féderaliste* appears to have been issued in Paris by the same publisher who had issued that which was last described, — M. BUISSON.

If it was not from the same forms from which the former edition had been printed, this appears to have been a careful reprint of that, even its errors having been reproduced, with the exception that the editorial introduction which M. DE LA SABLIERE had inserted in the former was entirely omitted from this edition,— the “Constitution Des Etats-Unis de l’Amérique,” on page xxij., following the unpaged “Avertissement,” without any pages iij. to xxj. intervening, and without a notice concerning the omission or the causes which led to it.

The only copy of this edition of which any information has been received is that which is in the Library of the State of New York, at Albany; and the above de-

scription is the result of a careful examination of it by ALFRED B. STREET, Esq., of that city.

In 1795 a new edition of *The Federalist*, apparently the fourth in book-form, was published in Paris, by the same enterprising publisher who had previously issued the work, in the two editions already referred to. The following are the titles and description of this new issue:—

“ Le Fédéraliste, | ou | *COLLECTION de quelques Écrits en faveur | de la Constitution proposée aux États-Unis | de l'Amérique, par la Convention convoquée | en 1787 ; | PUBLIÉS dans les États-Unis de l'Amérique par | MM. HAMILTON, MADISSON et JAY, | Citoyens de l'État de New-York. | Seconde Edition. | Tome Premier. | A Paris, | Chez BUISSON, Libraire, rue Haute-seuille, | n°. 20. | AN 3<sup>e</sup>. DE LA RÉPUBLIQUE.”*

“ Le Fédéraliste, | ou | *COLLECTION de quelques Écrits en faveur | de la Constitution proposée aux États-Unis | de l'Amérique, par la Convention convoquée | en 1787 ; | PUBLIÉS dans les États-Unis de l'Amérique par | MM. HAMILTON, MADISSON et JAY, | Citoyens de l'État de New-York. | Seconde Edition. | Tome Second. | A Paris, | Chez BUISSON, Libraire, rue Haute-seuille, | n°. 20. | AN 3<sup>e</sup>. DE LA RÉPUBLIQUE.”*

This, like the last preceding edition from the same press, forms two volumes octavo, of four hundred and two and five hundred and fifteen pages, respectively, which are thus arranged: The first volume, Bastard-title; *verso* to bastard-title, blank; title-page, as above; *verso* to the title, blank; “ Avertissement,”—all without page numbers; xxij. (which is *verso* to “ Avertissement”) to xl., “ Constitution Des Etats-Unis de l'Amérique”; l. to lij., “ Table des Chapitres Contenus dans ce premier Volume”; 1 to 366, “ Le Fédéraliste.” The second volume, Bastard-title; *verso* to bastard-title, blank; title-page, as above; *verso* to the title, blank,—all unpagged;

1 to 506, "Le Fédéraliste"; 507 to 511, "Table des Chapitres Contenus dans ce second Volume."

It is printed in signatures of sixteen pages each, designated by letters, on a fair quality of paper, with type of the size then known as *Cicero ordinaire*, — about small pica, — leaded, and is without any illustrations, except head-pieces on page 1 of each volume, and an occasional tail-piece at the ends of the numbers.

It is said that in the year 1799 a new edition of *The Fœderalist*, the fifth in book-form, was published by JOHN TIEBOUT, in the city of New York; and that the copy which Mr. MADISON used and annotated was of that edition.\*

The most diligent search has been made for a copy of that edition, but without finding it or obtaining any other information concerning it. It is not in any of the principal public libraries, nor, so far as can be learned, is a copy of it in any private library in this part of the country. The newspapers of that period — both Fœderal and Republican — have been carefully examined, with the hope of finding the Proposals for its issue or the advertisement of its publication; personal inquiries have been made of Mr. TIEBOUT's sons, and of several of the older inhabitants of the city; and those whose intimate knowledge of books entitles them to the respect of every student have been applied to on the subject; yet no trace whatever, beyond the single allusion above referred to, has been obtained from any quarter, concerning this or any other edition of *The Fœderalist* from the press of JOHN TIEBOUT. It is, nevertheless, known that such a printer lived and transacted business at No. 358 Pearl Street, in the city of New York, in the year 1799; † and it is far from impossible that copies of this rare edition may yet be in existence among the rubbish

\* Editorial in the *Washington City Gazette*, February 2, 1818, ante, p. lii.      † *New York Directory* for 1799, p. 365.

which has accumulated in the garrets of some of the older families of this city and its vicinity.\*

On Wednesday, the thirteenth of January, 1802, GEORGE F. HOPKINS, a bookseller doing business at No. 118 Pearl Street, in the city of New York, issued "Proposals" for publishing, by subscription, a new edition, apparently the sixth, of *The Federalist*. He proposed to revise and correct the work; to add thereto "new passages and notes"; to print it on superfine medium paper, with a neat type; and to bind it, handsomely, in two volumes, octavo, delivering it to subscribers at "Two Dollars a volume."

On Wednesday, the eighth of December, of the same year, the following advertisement, which appeared in *The New York Evening Post* of that date, announced the publication of the volumes:—

#### THE FEDERALIST.

**T**HIS Day is Published, in two handsome octavo volumes, printed on paper of a superior quality, and elegantly bound—(*Price to subscribers 2 dollars per vol. to non-subscribers 2 dollars 25 cents*)

THE  
FEDERALIST,  
ON THE NEW CONSTITUTION,  
*BY PUBLIUS.*  
WRITTEN IN 1788,  
*to which is added,*  
PACIFICUS, ON THE

\* While this sheet was passing through the press, I heard of what appears to be a copy of the edition here referred to, in the collection of General PETER FORCE, of Washington, D. C., and from that it appears, in the language of a gentleman who examined it, that "it is certainly neither a new edition, nor even a reprint of the first, of 1788, but it is the edition of 1788, with a new title-page printed and bound, so that it bears TIEBOTT's imprint and the date of 1799, instead of M'LEAN's imprint and the date of 1788."

The description of the volumes which bear TIEBOTT's imprint is identical with that of the volumes which bear M'LEAN's imprint.

PROCLAMATION OF NEUTRALITY,  
WRITTEN IN 1793,  
*Likewise,*  
THE FEDERAL CONSTITUTION,  
With all the Amendments.  
*Corrected and Revised.*

As a universal wish seemed to prevail that these valuable writings should undergo a revision, and be printed in a form that should in some measure correspond with their high claim to merit, are now offered to the public in a dress which it is believed will meet with general approbation.

GEORGE F. HOPKINS,  
Washington's Head, 118 Pearl-street.

Dec 8

P & H tf

The volumes bore, respectively, the following titles:—

"The | Federalist, | on the new constitution. | By  
"Publius. | Written in 1788. | To which is added, |  
"Pacificus, | on the proclamation of neutrality. | Writ-  
"ten in 1793. | Likewise, | The Federal Constitution, |  
"with all the amendments. | Revised and corrected. |  
"In two volumes. | Vol. I. | Copy-right secured. | New-  
"York: | Printed and sold by GEORGE F. HOPKINS, | At  
"Washington's Head. | 1802."

"The | Federalist, | on the new constitution. | By  
"Publius. | Written in 1788. | To which is added, |  
"Pacificus, | on the proclamation of neutrality. | Writ-  
"ten in 1793. | Likewise, | The Federal Constitution, |  
"with all the amendments. | Revised and corrected. |  
"In two volumes. | Vol. II. | Copy-right secured. | New-  
"York: | Printed and sold by GEORGE F. HOPKINS, | At  
"Washington's Head. | 1802."

This edition of *The Federalist* forms two neat octavos, of three hundred and twenty-eight\* and three hundred

\* There are two pages each of 167 and 168 in this volume.

and fifty-nine pages, respectively, which are thus arranged: In Volume I., Title-page, as above; *verso* to the title, blank,—both unpaged; iii. to vi., “Preface”; vii. viii., “Contents of the first volume”; 1 to 317, “The Federalist”; 318, “Erratum.” In Volume II., Title-page, as above; *verso* to the title, blank,—both unpaged; iii. to v., “Contents of the second volume”; vi., blank; vii., “Valuable Books,” which the publisher offered for sale; viii., blank; 1 to 283, “The Federalist”; 284, blank; 285, unpaged bastard-title of “Letters of Pacificus”; 286, blank; 287 to 334, “Letters”; 335 to 349, “The Federal Constitution, as agreed upon by the Convention, September 17, 1787”; 350, 351, “Amendments.”

It is printed in signatures of eight pages each, on paper of good quality, with a clear long-primer type, leaded,—the Preface being in pica, leaded; and it is without illustrations of any kind.

This edition is remarkable, chiefly, on account of the great changes in the text which the anonymous editor saw fit to make, which, both in their extent and their character, from the rarity of the original edition and that of 1788, have been little understood.

It is not certainly known by whom this edition of *The Federalist* was edited; but Mr. COLEMAN, in his discussion with “CORRECTOR,” concerning the authorship of the several numbers, has thrown considerable light on the subject. In his “*Answer*” to that writer, published in *The New York Evening Post* on the twenty-fifth of March, 1817, that gentleman refers to different circumstances which had attended the preparation of this edition for the press, with the greatest particularity; and in one case, especially, he alludes to his own personal knowledge of the subject. As the private, personal interviews of that anonymous editor with General HAMILTON on the subject of his editorial labors, the per-

sonal views of the former on the relative merits of the three authors of the work, and the identical words which General HAMILTON had dictated to him, to be employed instead of his own in the Preface of the work, concerning the merits of Mr. MADISON and Mr. JAY in the original authorship of the numbers, were known to Mr. COLEMAN in all their minutiae; and as it can scarcely be credited that any other person than the editor himself was, or could be, *personally* acquainted with *all* these circumstances, it appears highly probable that Mr. COLEMAN himself was the "gentleman of competent literary talents" who had undertaken "to make the first verbal corrections" in the original text, to which he referred. There are other circumstances connected with this subject which confirm this view of it, and indicate Mr. COLEMAN as the anonymous editor of this edition, not the least of which are the flagrant violations, by that editor, of the positive instructions which, according to Mr. COLEMAN, General HAMILTON had given for his guidance in making the "corrections" referred to.

Concerning the "corrections" which were introduced into the text of *The Federalist* by the editor of this edition of that work, the general remarks which have been made concerning the alterations which were introduced into the first collective edition are entirely applicable and need not be repeated,—that no person, even the distinguished authors themselves, had they been disposed to do so, could have made, or have authorized others to make, any alterations whatever in the *original* text. But, in the instance now under consideration, there is another and special reason why the "corrections" of that text which were made by the editor of this edition are untrustworthy,—Mr. HOPKINS, its publisher, has expressly acknowledged to two different gentlemen that *General Hamilton had positively forbidden ANY alteration*

*tion whatever from THE ORIGINAL TEXT;\** nor can any statement by Mr. COLEMAN, in his own defence, whether he had made the alterations himself, or not, purge them from deserved contempt, so long as a copy of the original edition remains to prove that General HAMILTON's acknowledged instruction, that "the original idea was to be strictly adhered to,"† was repeatedly and flagrantly violated by the editor referred to.

The more important of the "corrections" which were made by the editor of this edition will be noticed in the Notes which form the second volume of this work.

This edition is not very scarce; the copy which has been used in the preparation of this work is that which is in the library of the New York Historical Society.

The seventh edition of *The Federalist*, in book-form, was published in 1810, with the following title:—

"The | Federalist, | on the new constitution; | written in 1788, | by Mr. HAMILTON, Mr. JAY, and Mr.

\* "HOPKINS, printer, said to me, 'I called upon Mr. HAMILTON for permission to reprint the Nos. of *The Federalist*. He intimated that they hardly deserved to be printed again; he said he would think of it, but that they must not be reproduced without his assent.' HOPKINS said 'I will present the proofs to you for correction.' HAMILTON said 'No, if reprinted, it must be exactly as they were written.' J. A. H." — *Memorandum in Hon. JAMES A. HAMILTON's copy of the work, communicated to the Editor of this edition, by that gentleman, February 10, 1862.*

"While on this topic, the decease of HAMILTON, I may state an anecdote, the import of which can be readily understood. It was not long prior to the time of his death that the new and authentic edition of *The Federalist* was published by GEORGE F. HOPKINS. HOPKINS told me of the delicacy with which HAMILTON listened to his proposition to print a new edi-

tion of these papers. 'They are demanded by the spirit of the times and the desire of the people,' said HOPKINS. 'Do you really think, Mr. HOPKINS, that those fugitive essays will be read, if reprinted?' asked HAMILTON; 'well, give me a few days to consider,' said he. 'Will this not be a good opportunity, Gen. HAMILTON,' rejoined HOPKINS, 'to revise them, and, if so, to make, perhaps, alterations, if necessary, in some parts?' 'No, sir, if reprinted, they must stand exactly as at first, not a word of alteration. A comma may be inserted or left out, but the work must undergo no change whatever.' — *Reminiscences of Printers, Authors, etc., in New York, an Oration delivered at the Printers' Banquet, January 16, 1852, by JOHN W. FRANCIS, M.D., LL.D.*

† Mr. COLEMAN's "Answer" to the letter of "CORRECTOR," in *The New York Evening Post*, March 25, 1817.

“ **MADISON.** | To which is added | Pacificus, | on the  
“ proclamation of neutrality; | written in 1793, | by  
“ **Mr. HAMILTON.** | A new edition, with the names and  
“ portraits of the several writers. | In two volumes. |  
“ Vol. I. | New-York : | Published by WILLIAMS &  
“ WHITING, | at their theological and classical book-  
“ store, | No. 118, Pearl-street. | Printed by J. SEY-  
“ MOUR. | 1810.”

“ The | *Federalist*, | on the new constitution; | writ-  
“ ten in 1788, | by Mr. HAMILTON, Mr. JAY, and Mr.  
“ **MADISON.** | To which is added, | Pacificus, | on the  
“ proclamation of neutrality; | written in 1793, | by  
“ **Mr. HAMILTON.** | A new edition, with the names and  
“ portraits of the several writers. | In two volumes. |  
“ Vol. II. | New-York : | Published by WILLIAMS &  
“ WHITING, | at their theological and classical book-  
“ store, | No. 118, Pearl-street. | Printed by J. SEY-  
“ MOUR. | 1810.”

This edition of *The Federalist*, in two volumes, small octavo, forms the second and third volumes of *The Works of Alexander Hamilton*, — a neatly printed selection from the writings of that gentleman, which was prepared for the press under the editorial supervision of JOHN WELLS, Esq., a learned member of the bar of New York, and an intimate friend of their distinguished author. It was, probably, the fourth American collective edition of the work; and the editor, in the preparation of the text, appears to have followed, with few and unimportant variations, the text of the third edition, which has been already noticed.

As before stated, it forms two small octavo volumes, each of which contains three hundred and seventy-four pages, which are arranged as follows: The running-title of *The Works of Alexander Hamilton*, and *verso*, blank, inserted and not paged; the title which belongs to the volume; *verso* of title-page, copyright certificate, —

both unpaged; iii. iv., "Contents"; 1 to 368, "The Federalist." It is printed, very neatly, in signatures of eight pages each, from a small size of small-pica type, leaded, on paper of a very good quality; and it is illustrated with very fine portraits, by LENEY, that of General HAMILTON, after AMES, being in the first volume of *The Works*, that of Chief-Justice JAY, after STUART, in the second (Volume I. of *The Federalist*), and that of Mr. MADISON, also after STUART, in the third (Volume II. of the latter work).

The distinguishing feature of this edition is the use which the editor made of his information concerning the authorship of the several numbers,—acquired either from General HAMILTON, directly, or from the memorandum which the latter had left in Judge BENSON's office; and it is, consequently, the first American edition in which the names of the several writers appear, in connection with the respective numbers of the work.

This edition is not rare; and the description which has been given of it is the result of an examination of a copy which is in the private library of the Editor.

In 1817, another edition of *The Federalist*, probably the eighth in book-form, appeared. The following is its title:—

"The | Federalist, | on the new constitution; | written in 1788, | by Mr. HAMILTON, Mr. JAY, and Mr. MADISON. | A new edition, | with the names and portraits of the several writers. | Philadelphia: | Published by BENJAMIN WARNER, No. 147, Market Street. | WILLIAM GREER. .. Printer. ... Harrisburg. | 1817."

This edition forms a single octavo volume of four hundred and seventy-seven pages, which are thus arranged: Title, as above; *verso* of title, certificate of copyright, the same which was granted to WILLIAMS and WHITING for the *first* volume of the edition of 1810,—both unpaged; iii. to vi., "Contents"; 7 to 477, "The Federalist."

It is printed in signatures of eight pages each, on paper of a coarse texture, with long-primer type which appears to have been considerably worn; and it is illustrated with portraits of the authors,— HAMILTON opposite the title, MADISON opposite Number XIV. (page 70), and JAY opposite Number LIV. (page 294), — from the same plates, by LENEVY, which were used by WILLIAMS and WHITING in the edition of 1810, with no other alteration than the erasure of the words “Printed by A. G. REYNOLDS,” which had appeared on the original plates.

From the similarity of the copyright certificate, and from the use of the same engraved plates to illustrate the volume, as well as from a comparison of the notes and text generally, it is evident that this is a reproduction of the New York edition of 1810, which had been published by WILLIAMS and WHITING, with the acknowledged errors of that edition, in the designation of the several authors.

This description is the result of a careful examination of a copy which is in the library of DANIEL P. SMITH, Esq., of Bedford, Long Island.

In the following year, (1818,) the same publisher issued another edition with this title:—

“The | Federalist, | on the new Constitution; | written in 1788, | by Mr. HAMILTON, Mr. JAY, and Mr. MADISON. | A new edition, | with the names and portraits of the several writers. | Philadelphia: | Published by BENJAMIN WARNER, No. 147, Market Street, | and sold at his stores, Richmond, Virginia, | and Charleston, South Carolina. | 1818.”

This edition forms a single octavo volume of five hundred and four pages, which are thus disposed: title, as above; *verso* of title-page, certificate of copyright, the same which had been granted to WILLIAMS and WHITING for the *first* volume of the edition of

1810,— both unpaged; iii. to vi., “Contents”; 7 to 477 “The Federalist”; 478, blank; 479 to 504, “Appendix,” containing Articles of Confederation, and the Constitution for the United States, with the Amendments.

It is printed in signatures of eight pages each, on a fair quality of paper, with long-primer type, and is illustrated with the portraits of the authors, from the same plates, by LENEY, which have been referred to before, and disposed of in precisely the same manner as in the edition of 1817, by the same publisher.

It is very evident that this edition is from the same forms or plates which had been used in the printing of that which had been issued in the preceding year by the same publisher, with the addition of an “Appendix,” which the former—probably a cheaper issue—had not contained.

This description is the result of a careful examination, by CHARLES C. JEWETT, Esq., of a copy which is in the Public Library, in the city of Boston.

Early in the year 1818, “*Proposals*” were issued for the publication of a new edition of *The Federalist*, probably the tenth. The following is a copy of the “*Proposals*” referred to:—

[From the *National Intelligencer*, Vol. XVIII. No. 2696, Washington, Thursday, January 1, 1818.]

## PROPOSALS,

**B**Y JACOB GIDEON, Junr. Printer, of the  
City of Washington, for publishing, by  
subscription, a new edition of the  
“Federalist,”

On the new Constitution and Proclamation of  
Neutrality, written in the years 1788 and 1793,

under the signatures of *Publius* and *Pacificus*, by ALEXANDER HAMILTON, JAMES MADISON, and JOHN JAY, Esqs. to which will be added, the Constitution of the United States, and the different amendments which have been made to it since its adoption, to the close of the year 1817.

The merit of this work must be known to every Politician and Statesman in the United States. Written by men of high standing, extensive information, and acknowledged talents, and embracing subjects of the deepest political interest, it cannot but be valuable to every American who admires and loves the government under which it is his happy destiny to live. To foreigners, too, the "Federalist" is equally important, as it enables them more perfectly to comprehend the nature and principles of the American Constitution, which is the wonder of the world, and will be the admiration of posterity. In addition to the importance of the matters discussed, the style in which the various numbers of the "Federalist" are written, is almost of itself a sufficient recommendation to obtain for it a place in every gentleman's library. From these considerations, and the present scarcity of the work, the publisher has been induced to undertake the publication of a new edition of this valuable production; and he promises to discharge that undertaking, if he meets with proper encouragement, in a manner that he doubts not will be entirely satisfactory to the public. Having been furnished with the names of the writers of the different numbers from a source which cannot be questioned, he will attach the author's name to each number,

that the reader may know, without difficulty, by whom it was written.

It will be put to press about the middle of April next, and be ready for delivery in November following.

#### TERMS.

1. The work will be printed in one octavo volume, containing about 600 pages.

2. It will be printed on good pica type, and on medium paper of superior quality, made expressly for the purpose.

3. It will be delivered to subscribers at \$3 per copy, in boards; or \$3 75, full bound in calf, payable on the delivery of the work.

4. If any subscribers are displeased with the execution of the work, when completed, they shall be at liberty to withdraw their names.

5. Booksellers subscribing for 50 or more copies, will receive a liberal discount.

6. To non-subscribers the price will be \$3 50 in boards, and \$4 75 full bound.

Jan 1 — 3t

During the summer of 1818 the proposed volume appeared, with the following title:—

“The | Federalist, | on | the new constitution, | written in | the year 1788, | by | Mr. HAMILTON, Mr. MADISON, and Mr. JAY | with | an appendix, | containing | the letters, of Pacificus and Helvidius, | on the | proclamation of neutrality of 1793; | also, the { original articles of confederation, | and | the constitution | of the United States, | with the | amendments made | thereto. | A new edition. | The numbers written by | Mr. MADISON corrected by himself. | City of Washington: | Printed and published by JACOB GIDEON, Jun. | “1818.”

It forms a fine thick octavo volume of six hundred and seventy-one pages, which are thus arranged: Title, as above; *verso* to the title, copyright certificate to JACOB GIDEON, Junior,—both unpagued; 3 to 7, “Prefatory Remarks,” dated “City of Washington, May, 1818”; 8, blank; 9 to 550, “The Federalist”; 551 to 593, “Appendix. The Letters of Pacificus. By ALEXANDER HAMILTON”; 594 to 638, “The Letters of Helvidius. By JAMES MADISON”; 639 to 650, “The original articles of confederation”; 651 to 671, “Constitution of the United States.”

It is printed in signatures of eight pages each, on paper of good quality, with a fine full-faced pica type, solid,—the “Prefatory Remarks” with a fine clean bourgeois, leaded,—and is entirely without illustrations.

This description is the result of a careful examination of the copy which is in the private library of SAMUEL L. M. BARLOW, Esq., in the city of New York.

In the year 1826 an edition of *The Federalist*, probably the eleventh, was published at Hallowell, of which the following is a copy of the title-page:—

“The | Federalist, | on | the new constitution, | writ-  
“ten in | the year 1788, | by | Mr. HAMILTON, Mr. MAD-  
“ISON, and Mr. JAY: | with | an appendix, | containing |  
“the letters of Pacificus and Helvidius, | on the | proc-  
“lamation of neutrality of 1793; | also, the | original  
“articles of confederation, | and the | constitution of  
“the United States, | with the | amendments made  
“thereto. | A new edition. | The numbers written by  
“Mr. MADISON corrected by himself. | Hallowell, (Me.): |  
“Printed and published by GLAZIER & Co. | 1826.”

It forms a large octavo volume, of five hundred and eighty-two pages, which are thus arranged: Title-page, as above; *verso* of the title-page, with certificate of copyright granted to JACOB GIDEON, Junior, in 1818,—

both unpaged ; 3 to 6, "Prefatory Remarks"; 7 to 493, "The Federalist"; 494 to 525, "Appendix. The Letters of Pacificus, by ALEXANDER HAMILTON"; 526 to 558, "The Letters of Helvidius, by JAMES MADISON"; 559 to 567, "The original Articles of Confederation"; 568 to 582, "Constitution of the United States."

It is printed in signatures of sixteen pages each, on paper of a fair quality, with a small size of small-pica type, leaded, and is not illustrated. The running-titles at the heads of the pages are in small capital letters; the titles of the respective numbers are in capitals,— "No. LXXX." ; the contents of the numbers are in Italics; and the "Prefatory Remarks" are in small pica, solid.

This description is the result of a careful examination of a copy in the library of Harvard University, Cambridge, Massachusetts, compared with one in the library of the American Institute, in the city of New York.

In 1827, it is said, another edition of *The Fæderalist* was published at Hallowell, but every effort to find a copy of it has proved fruitless.

The catalogue of the library of the State of New York, at Albany, alludes to the existence, in that collection, of a copy of this edition; but Mr. H. A. HOMES, the assistant librarian in charge of that department, has not been able to find it during the ten years which he has spent in the institution, nor has a copy been found elsewhere, notwithstanding a diligent search has been instituted for that purpose in various directions.\*

\* Mr. HOMES has suggested the possibility that the date which appears in the catalogue may be a typographical error, and that it *may* allude to a copy of the edition of 1837, which is in the library.

This suggestion is supported by doubts concerning the publication of an edition at Hallowell in 1827, which have been communicated to

the Editor by MASTERS, SMITH, & Co., the successors in business of GLAZIER & Co., who, if such an edition appeared, were the publishers of the work. As the volume has been referred to in different editions of the catalogue, notwithstanding these doubts, I have not felt at liberty to disregard it.

In 1831 it appears that another edition, probably the thirteenth in book-form, was published in Hallowell; but, like that which was last referred to, a copy has not been found.

The catalogue of the library of the American Institute, in New York, mentions it as one of the editions in that collection; but it appears that it was taken from the library, many years since, by a member who has since deceased, and was never recovered.

In 1831, an edition of *The Federalist*, probably the fourteenth, was published at Washington, D. C., with the following title: —

“The | Federalist, | on | The New Constitution, | “written in | the year 1788, | by | ALEXANDER HAMIL-  
“TON, JAMES MADISON & JOHN JAY, | with an appen-  
“dix, | containing the original articles of confederation;  
“the | letter of General WASHINGTON, as President of  
“the | Convention, to the President of Congress; the  
“Consti- | tution of the United States, and the amend-  
“ments to | the Constitution. | A new edition, | with a  
“table of contents, | and | a copious alphabetical in-  
“dex. | The numbers written by Mr. MADISON corrected  
“by himself. | Washington: | Published by THOMPSON  
“& HOMANS. | WAY & GIDEON, Printers. | 1831.”

It forms a duodecimo volume of four hundred and twenty-six pages, which are thus arranged: Title-page, as above; *verso* to the title-page, notice of copyright entered in the Clerk's Office of the District Court of the District of Columbia by THOMPSON & HOMANS,—both unpaged; iii. to vii., “Contents”; viii., blank; 3 to 5, “Prefatory Remarks”; 6 to 380, “The Federalist”; 381 to 404, “Appendix”; 405 to 420, “Index.”

It is printed in signatures of twelve pages, with brevier type, solid,—the “Prefatory Remarks” being in minion, solid,—on paper of poor quality and rather dingy in appearance; and it is not illustrated.

With the exception of three paragraphs of the "Prefatory Remarks," which have been omitted in this edition, of the transfer of the name of its author from the head of each number to its foot, where it is inserted in Italics, enclosed in brackets, *after the general signature of "PUBLITS,"* and of the addition, at the close of the volume, of a copious alphabetical index to the work, this edition is a careful reprint of that which had been issued at Washington, in 1818; indeed, so closely does it follow that edition, that it was considered a violation of the copyright of Mr. GIDEON, by Messrs. GLAZIER & Co., of Hallowell, to whom that right had been assigned, and by whom it had been exercised in the issue of at least one edition, as already noticed.

The peculiarity of this edition of *The Federalist* is the elaborate index of sixteen pages, which was prepared for it by PHILIP R. FENDALL, a member of the Washington bar, — an appendage which renders it the most useful of the fourteen collective editions which, it is probable, had then appeared.

This description is the result of a very careful examination of the copy which is in the library of the Congress of the United States, at Washington, by A. R. SPOFFORD, Esq., its assistant librarian.

In the year 1837, GLAZIER, MASTERS, and SMITH, of Hallowell, Maine, published another edition of the work, probably the fifteenth, with the following title: —

"The | Federalist, | on | the new constitution, | written in the year 1788, | by | Mr. HAMILTON, Mr. MADISON, and Mr. JAY: | with | an appendix, | containing | the letters of Pacifiens and Helvidius | on the | proclamation of neutrality of 1793: | also, | the original | articles of confederation, and the | constitution of the | United States, | with the amendments made thereto. | A new edition. | The numbers written by Mr. MADIS-

"SON corrected by himself. | Hallowell : | GLAZIER, MASTERS & SMITH. | 1837."

It forms a fine octavo volume of five hundred pages, which are thus arranged: Title, as above; *verso*, blank,— both unpaged; 3 to 6, "Prefatory Remarks"; 7 to 413, "The Federalist"; 414 to 442, "Appendix. The letters of Pacificus. By ALEXANDER HAMILTON"; 443 to 472, "The letters of Helvidius. By JAMES MADISON"; 473 to 480, "The original articles of confederation"; 481 to 494, "Constitution of the United States"; 495 to 500, "Index."

It is printed in signatures of twelve pages each, with small-pica type, solid,— the "Prefatory Remarks" being in long primer, leaded, the "Appendix" in long primer, solid, and the "Index" in brevier, leaded; and it is entirely without illustrations.

Like all the Hallowell editions, it is a careful reprint of the edition published by Mr. GIDEON in 1818.

This description is the result of an examination of the copy which is in the Astor Library, in the city of New York.

In 1842, another edition, probably the sixteenth, was issued by the same press, at Hallowell, which has been already so often mentioned in this work. The following is the title of the edition referred to:—

"The | Federalist, | on | the new constitution, | written in 1788, | by | Mr. HAMILTON, Mr. MADISON, and Mr. JAY : | with | an appendix, | containing the letters of Pacificus and Helvidius | on the | proclamation of neutrality of 1793 ; | also, | the original articles of confederation, | and the | constitution of the United States. | A new edition. | The numbers written by Mr. MADISON corrected by himself. | Hallowell : | GLAZIER, MASTERS, & SMITH. | 1842."

It forms an octavo volume of four hundred and eighty-four pages, which are thus arranged: Title-page, as

above; and *verso* to title-page, blank,— both unpagéd ; 3 to 6, “Prefatory Remarks”; 7 to 404, “The Federalist”; 405 to 431, “Appendix. The Letters of Pacificus”; 432 to 459, “The Letters of Helvidius”; 460 to 466, “Original Articles of Confederation”; 467 to 479, “Constitution of the United States”; 480 to 484, “Index.”

It is printed in signatures of sixteen pages each, with small-pica type, solid,— the “Prefatory Remarks” in long primer, leaded, the “Appendix” in long primer, solid, and the “Index” in brevier, solid,— on paper of fair quality ; and it is entirely without illustrations.

This description is the result of an examination by SAMUEL G. DRAKE, Esq., of Boston, of a copy which is in his library.

An edition of *The Federalist*, “which should combine “the typographical convenience of the edition of 1818, “with the additional matter of that of 1831, seeming to “be called for by the general voice,” in September, 1845, Messrs. J. & G. S. GIDEON, of Washington, appear to have responded by publishing an edition, probably the seventeenth in book-form, possessing the peculiar features which had been thus demanded by the public, and with the additional one of “some improvements in the “Index” which had previously appeared.

In none of the libraries which have been examined while searching for materials for this work does this edition find a place ; and, beyond the indefinite remarks of the “Advertisement” which have been quoted above, no account of it whatever has been obtained.

In 1847, a new edition, probably the eighteenth, of *The Federalist* was published at Philadelphia, with the following title : —

“ The | Federalist, | on | the new constitution, | writ-  
“ ten in | the year 1788, | by | ALEXANDER HAMILTON,  
“ JAMES MADISON, and JOHN JAY. | With an appendix, |

“containing | the letters of Pacificus and Helvidius on  
“the proclamation of neutrality of 1793; the orig-  
“inal articles of confederation; the let- | ter of General  
“WASHINGTON, as president of the convention, | to the  
“president of congress; the constitution of the | Unit-  
“ed States; the amendments to the constitution; |  
“and the act of congress in relation to the elec- | tion  
“of President, passed January 23, 1845. | Sixth edi-  
“tion, | with | a copious alphabetical index. | The num-  
“bers written by Mr. MADISON corrected by himself. |  
“Philadelphia : | R. WILSON DESILVER, 18 South Fourth  
“Street. | 1847.”

It forms an octavo volume of five hundred and two pages, which are thus arranged: Title-page, as above; *verso* to title-page, blank; “Advertisement,” signed “J. & G. S. GIDEON,” and dated “Washington, September, 1845”; *verso*, blank,—all unpaged; iii. to v., “Contents”; vi., blank; 1 to 356, “The Federalist”; 357 to 364, “Appendix. The original articles of confederation”; 365, the letter which General WASHINGTON addressed, as President of the Fœderal Convention, to the President of the Congress, when he forwarded the new Constitution to the latter body; 366, blank; 367 to 380, “Constitution of the United States,” to which is appended the “Act to establish a uniform time for holding elections for electors of President and Vice President in all the States of the Union,” approved January 23, 1845; 381 to 391, “Index to the Federalist”; 392, blank; full page title to the letters of Pacificus and Helvidius, with the imprint, “Washington: Printed and published by J. and G. S. GIDEON. 1845”; *verso* to the title-page, blank; “Proclamation of neutrality, April 22, 1793”; *verso* to the “Proclamation,” blank,—the last four unpaged; 5 to 102, “Letters of Pacificus and Helvidius, on the Proclamation of President WASHINGTON.”

The text and “Appendix” of this edition are printed

in signatures of sixteen pages each, with a small-sized small-pica type, solid,—the “Contents” and “Index” in brevier, solid, the “Letters of Pacificus and Helvidius” in pica, leaded,—on paper of fair quality; and it is without any illustrations.

This is probably a reprint of the edition of J. & G. S. GIDEON, 1845, including the alphabetical index; and it forms a very useful volume for general use.

In 1852, another edition of *The Federalist*, probably the nineteenth, appeared at Hallowell. The following is a copy of the title-page of this edition:—

“The | Federalist, | on | the new Constitution, | written | ten in 1788, | by | Mr. HAMILTON, Mr. MADISON, and  
“Mr. JAY : | with | an Appendix, | containing the | Letters of Pacificus and Helvidius | on the | Proclamation  
“of Neutrality of 1793; | also, | the original articles of  
“confederation, | and the | Constitution of the United  
“States. | New Edition: | the numbers written by Mr.  
“MADISON corrected by himself. | Hallowell: | MASTERS,  
“SMITH & Company | 1852.”

It forms an octavo of four hundred and ninety-six pages, which are thus arranged: The title-page, as above; and *verso* to the title-page, blank,—both unpagued; iii. to vi., “Prefatory Remarks”; 7 to 404, “The Federalist”; 405 to 431, “Appendix. The Letters of Pacificus. By ALEXANDER HAMILTON”; 432 to 459, “The Letters of Helvidius. By JAMES MADISON”; 460 to 466, “The original articles of Confederation”; 467 to 479, “Constitution of the United States”; 480, blank; 481 to 496, “Index.”

It is printed in signatures of eight pages each, with long-primer type,—the “Prefatory Remarks” and “Appendix” being printed with bourgeois, and the “Index” with brevier,—on paper of fair quality; and it is without any illustrations.

The Index refers by Roman numerals to the successive

numbers. The headings of the several essays follow on the same lines in small capitals, a copious analysis of each essay being given below.

This description is the result of an examination, under the direction of C. C. JEWETT, Esq., of the copy which is in the Public Library, in the city of Boston.

In 1857, the twentieth edition of *The Federalist* appeared at Hallowell. It formed a neat octavo volume, the title-page of which is as follows:—

“The | Federalist, | on the | new constitution, | writ-  
“ten in 1788. | By | Mr. HAMILTON, Mr. MADISON, and  
“Mr. JAY: | with | an appendix, | containing the letters  
“of | Pacificus and Helvidius | on the | proclamation of  
“neutralit y of 1793; | also, | the original articles of  
“confederation, | and the | constitution of the United  
“States. | New edition: | the numbers written by Mr.  
“MADISON corrected by himself. | Hallowell: | MASTERS,  
“SMITH, & Co. | 1857.”

It forms a neat volume of four hundred and ninety-six pages, which are arranged as follows: The title-page, as above; and *verso* to the title-page, blank,—both unpaged; iii. to vi., “Prefatory Remarks”; 7 to 404, “The Federalist”; 405 to 431, “Appendix. The Letters of Pacificus. By ALEXANDER HAMILTON”; 432 to 459, “The Letters of Helvidius. By JAMES MADISON”; 460 to 466, “The original articles of confederation”; 467 to 479, “Constitution of the United States”; 480, blank; 481 to 496, “Index.”

It is printed in signatures of eight pages each, with small-pica type, solid,—the “Prefatory Remarks” in long primer, leaded, the “Appendix” and the “Index” in long primer, solid,—on paper of fair quality; and it is entirely without illustrations.

Like all the editions which had preceded it from that press, it was a careful reprint of the edition of Mr. GRID-EON, Washington, 1818.

It is not impossible that other collective editions of *The Federalist*, beside the twenty here referred to, have sometime been issued from the press in America or Europe; but a careful search through the various public and many of the private libraries in this vicinity, and as careful an examination of the catalogues of various libraries in more distant parts of our own country and in Europe, have failed to produce any evidence of the existence of any other edition or impression.

A new edition, probably the twenty-first in book-form, differing in its text from all others except the *originals*, and possessing other features which are even more peculiar to itself than its text, is contained in these volumes.

It is the result of a careful examination of the work, in its various forms, editions, and versions, and of a long-continued and anxious study of the important subject on which it treats; it is confidently believed, therefore, that in no other form or edition has *The Federalist* been issued with greater correctness in the text, or with more useful and important apparatus for the use of the student and scholar.

In thus bespeaking for this edition of *The Federalist* the entire confidence of the reader, the Editor is actuated by no other motive than a desire to promote a general knowledge of the true principles of the Government of the United States; and as the learned JOHN SELDEN once said, on a similar occasion, with equal sincerity he can say on this:—"He that knoweth the secrets of all " Mens Hearts, doth know that my aim in this work is " neither at *Scepter* or *Crosier*, nor after *Popular Dotage*, " but that Justice and Truth may moderate in all. This " is a Vessel, I confess, ill and weakly built, yet doth it " adventure into the vast Ocean of your Censures, Gen- " tlemen, who are *Antiquaries*, *Lawyers*, and *Histo- " ans*; any one of whom might have steered in this " course much better than my self. Had my own credit

“been the freight, I must have expected nothing less  
“than wreck and loss of all; but the main design of  
“this Voyage being for discovery of the *true* nature of  
“this *Government* to *common* view, I shall ever account  
“your *just* Censures and *Contradictions* (especially pub-  
“lished with their grounds) to be my most happy return,  
“and as a Crown to this Work: And that my labour  
“hath its full reward, if others, taking advantage by my  
“imperfections, shall beautify my Country with a more  
“perfect and lively Character.”

H. B. D.



## SYNOPTICAL TABLE OF CONTENTS.

---

	Essay.	Page		
I. GENERAL INTRODUCTION,.....		No. I.	1	
II. "THE UTILITY OF THE UNION TO YOUR [ <i>the People of the State of New York</i> ] POLITICAL PROSPERITY,".....		II.	6	
1. introduction,.....			6	
2. in its political relations with foreign nations,.....		III.	12	
A. by securing it against dangers from foreign arms and influence, 12				
A. through a removal of the usual causes of <i>just war</i> ,.....			13	
a. violations of compacts and treaties,.....			13	
A. by securing a more perfect administration of government,.....			13	
a. by the employment of better men than those employed in State governments,.....			13	
b. by an uniform interpretation of the provisions of those compacts and treaties,.....			14	
c. by avoiding the <i>local</i> temptation to bad faith to which <i>a single State</i> may yield,.....			14	
d. by avoiding <i>local</i> prejudices to which <i>a single State</i> may be subject,.....			14	
b. direct and unlawful violence,.....			15	
b. through the greater ability which it will afford to settle amicably those causes of <i>just war</i> ,.....			16	
a. in the absence of local pride and prejudices,.....			16	
b. in the greater strength of the States when united,.....			16	
c. through its removal beyond the influence of <i>unjust</i> causes, IV.			17	
a. the superior power of neighboring nations,.....			17	
b. the jealousy of foreign powers from successful trade,.....			18	
B. by securing it from similar influences in the several States, if disunited,.....			V.	22
C. by preventing European alliances with rival States or confederacies,.....				26
3. in its political relations with the Peoples of other States,.....		VI.	27	
A. by securing it from inter-State hostilities,.....				27
A. the danger of hostilities arising between "independent, unconnected sovereignties," .....				27
a. through love of power,.....				28
b. through jealousy of power,.....				28
c. through competitions of commerce,.....				28
d. through individual passions and influences,.....				28

	Essay.	Page
<i>A.</i> Pericles and Aspasia referred to,.....	No. VI.	28
<i>B.</i> the Peloponnesian war referred to,.....		28
<i>C.</i> Cardinal Wolsey referred to,.....		29
<i>D.</i> Madame de Maintenon referred to,.....		29
<i>E.</i> Duchess of Marlborough referred to,.....		29
<i>F.</i> Madame de Pompadour referred to,.....		29
<i>G.</i> Shays and the rebellion in Massachusetts referred to,..		30
<b>b.</b> objections of anti-constitutionists answered,.....		30
a. “the genius of republics is pacific,” .....		30
b. “the spirit of commerce tends to peace,” .....		30
<i>A.</i> Introductory remarks,.....		30
<i>B.</i> Sparta referred to,.....		31
<i>C.</i> Athens referred to,.....		31
<i>D.</i> Rome referred to,.....		31
<i>E.</i> Carthage referred to,.....		31
<i>F.</i> Venice referred to,.....		31
<i>G.</i> Holland referred to,.....		31
<i>H.</i> Great Britain referred to,.....		32
c. an appeal to the People, founded on these examples,...		32
<b>c.</b> the inducements which the disunited States could have to make war on each other considered,.....	VII.	34
a. the same which have produced wars elsewhere,.....		34
b. special causes within themselves.....		34
<i>A.</i> unadjusted territorial disputes,.....		34
<i>a.</i> introductory remarks,.....		34
<i>b.</i> crown-lands, within the States,.....		34
<i>c.</i> western lands,.....		35
<i>d.</i> Wyoming lands,.....		36
<i>e.</i> New Hampshire grants,.....		36
<i>B.</i> commercial rivalry,.....		37
<i>a.</i> disregard of local revenue laws generally,.....		37
<i>b.</i> jealousy of New York in New Jersey and Connecticut,		38
<i>C.</i> the existing debt of the confederacy,.....		38
<i>a.</i> in its apportionment among the States,.....		38
<i>b.</i> in its extinguishment,.....		38
<i>D.</i> local laws violative of private contracts,.....		40
<i>E.</i> incompatible alliances between individual States and foreign powers,.....		40
<b>d.</b> the consequences of inter-State hostilities,.....	VIII.	41
a. <i>primarily</i> , great destruction of life and property,.....		42
b. <i>ultimately</i> ,.....		43
<i>A.</i> the establishment of standing armies,.....		43
<i>B.</i> the extension of the power of the executive,.....		44
<i>C.</i> the elevation of the military over the civil power,.....		44
c. objections answered,.....		44
<i>A.</i> standing armies were not created in ancient Greece,..		45

	Essay. Page.
<i>B.</i> the impotency of the army in Great Britain., No. VIII.	46
d. the general subject discussed, and the value of the Union enforced,.....	47
4. in affording a barrier to domestic faction and insurrection,.....IX.	48
A. liability of republics to experience these troubles,.....	48
B. they afford arguments for the advocates of despotism,.....	49
C. the utility of a confederacy to guard against these troubles, 50	
A. resorted to in other ages and countries,.....	50
B. approved by most authors on the subject of politics,.....	50
a. Montesquieu's sentiments concerning extended territories, under republican governments, misrepresented by the Anti-federalists,.....	50
b. his views on a confederate republic,.....	51
c. distinction between <i>a confederacy</i> and <i>a consolidation of the States</i> discussed,.....	53
a. what <i>a confederacy</i> is said to be, .....	53
b. what <i>a confederacy</i> really is,.....	53
A. the proposed Constitution a confederate republican form of government,.....	54
B. the Lycian Confederacy a confederate republic,.....	54
D. the propensity of popular governments to faction,.....X.	55
E. the United States liable to the same result,.....	55
F. what constitutes "a faction,".....	56
G. in what way its mischief may be cured,.....	56
A. by removing its causes,.....	56
a. in the destruction of the liberty of the People,.....	56
b. by causing every citizen to possess the same opinions, passions, and interests,.....	56
c. the first unwise, the second impracticable,.....	56
B. by controlling its effects,.....	56
a. the nature and purposes of "factions,".....	57
b. when the faction is <i>a minority</i> , "by regular vote,".....	59
c. when the faction is <i>a majority</i> ,.....	59
A. by <i>dividing</i> the prevailing influences,.....	60
B. by preventing the concentration of those influences,.....	60
H. the advantage of a <i>representative</i> government over a <i>democracy</i> in curing the mischiefs of faction,.....	60
I. the advantages of an <i>extended</i> republic over a <i>small</i> one, in like cases,.....	62
5. in their commercial relations with foreign nations,.....XI.	64
A. the growing commerce of America has excited the jealousy of foreign powers,.....	65
B. the necessity of uniformity of action in America in order to secure the benefits arising from its own markets,.....	65
C. the establishment of a Federal navy another resource for commanding the respect of foreign nations,.....	67

Essay. Page
D. "a steady adherence to the Union" necessary to secure all the commercial advantages which America possesses,....No. XI. 67
E. the effects of disunion on the commerce of America,..... 68
A. the rivalship of the different parts would frustrate all their natural advantages for promoting commerce,..... 68
B. it would become "a prey to the wanton intermeddling of all nations who are at war with each other,"..... 68
a. neutrality is respected only when it can be adequately defended,..... 68
c. it would produce "little arts of little politicians to control or vary the irresistible course of nature" in the growth of our commerce,..... 68
D. it would invite foreign nations to interfere with our rights, 68
a. by prescribing the conditions of our political existence,... 68
b. by embarrassing our commerce,..... 68
c. by interfering with the commercial rights of the Union, which had been then acquired,..... 69
A. in the fisheries,..... 69
a. the importance of the fisheries to France and Britain, 69
b. our "decided mastery" therein, a subject of importance to those powers,..... 69
c. their importance to <i>all</i> the commercial States,..... 69
i. in affording a field for their enterprise,..... 69
ii. in affording a nursery for the mercantile marine,.. 69
d. their importance in promoting the establishment of a Fœderal navy,..... 70
B. in the navigation of the western lakes,..... 69
C. in the navigation of the Mississippi River,..... 69
a. the jealousy of Spain on that subject,..... 69
6. in promoting the establishment of a Fœderal navy,..... 70
A. such a navy would be mutually advantageous to <i>all</i> the States, 70
7. in their commercial relations with the Peoples of other States,... 70
A. it would promote the interchange of their respective productions,..... 70
B. "the veins of commerce would be replenished" and invigorated,..... 70
C. a greater variety would be afforded to the commerce of the country,..... 71
D. the aggregate balance of trade would be increased, in favor of America,..... 71
E. objection, concerning the <i>necessary</i> course of inter-State commerce, <i>in any event</i> , answered,..... 71
F. the assumed superiority of Europe referred to, and Americans appealed to to disprove it,..... 71
8. in respect to revenue,..... XII. 73
A. commerce the most productive source of national wealth,.... 73

	Essay. Page
B. it increases the ability of the inhabitants to pay taxes, No. XII.	74
C. the system of "direct taxation" unsuccessful in the United States,.....	74
D. "indirect taxation" the main dependence for the necessary revenues,.....	75
A. because "the genius of the People" is opposed to excise laws,.....	75
B. because the scarcity of money will render the collection of excise duties difficult, .....	75
E. the union of the States will best enable us to improve this resource,.....	75
A. by being conducive to commerce from whence it is drawn,..	76
B. by simplifying the regulations for its collection,.....	76
F. the separation of the States would destroy this source of revenue,.....	76
A. by promoting illicit trade,.....	76
B. by promoting jealousy between the States, and ultimate reduction of impost duties, in order to secure trade,.....	76
c. from the absence of sufficiently rigorous border-guards between the States, and the improbability of their establishment,.....	76
a. the ordinary powers of border-guards intolerable in a free country,.....	76
b. border-guards unnecessary with the States united,.....	77
G. the effect of a destruction of this resource,.....	78
A. necessity of revenue to the existence of a nation,.....	78
B. if it cannot be obtained from commerce it must be taken from the real estate of the inhabitants,.....	79
a. because excises will not be available,.....	79
b. because the objects proper for excise within the agricultural States will be insufficient to produce the requisite revenue,.....	79
c. because it is difficult to trace personal property,.....	79
9. in the greater economy in the administration of government, XIII.	80
A. "if the States are united under <i>one</i> government, there will be but <i>one</i> national civil list to support,".....	80
B. "if they are divided into several confederacies, there will be as many national civil lists to be provided for,".....	80
A. speculations on the number of confederacies to be formed from the <i>debris</i> of the Union,.....	80
B. each small confederacy will require a civil list as extended as has been proposed in the new system for the aggregate of <i>all</i> the States,.....	80
a. because of the extent of territory which each will occupy,	80
b. because of the necessary plurality of the revenue departments,.....	82

	Essay.	Page.
c. because of the necessary plurality of the military establishments,.....	No. XIII.	83
10. the objection which has been drawn from the extent of territory which the Union occupies, answered,.....	XIV.	83
A. the distinction between a republic and a democracy noticed,..	84	
B. the errors of political writers concerning the turbulence in the ancient republics,.....	84	
C. practicability of extending the limits of a republic,.....	85	
D. the territory of the United States not too extended for their proper government,.....	85	
E. the territory of the United States compared with those of some European nations,.....	86	
F. the jurisdiction of the United States limited to objects of <i>general</i> interest,.....	86	
G. the objects of the proposed Constitution are to secure the union of the thirteen primitive States, and to add to their number,.	87	
H. the intercourse between the States will be daily facilitated by improvements for transit of passengers, etc.,.....	87	
I. almost every State being a frontier State, <i>all</i> will be exposed to foreign aggression, and <i>all</i> , alike, need protection,.....	87	
J. an appeal to the People of New York to avoid disunion,.....	88	
III. "THE INSUFFICIENCY OF THE PRESENT CONFEDERATION TO PRESERVE THAT UNION,".....	XV.	90
1. introductory remarks,.....	90	
2. the proposition neither controverted nor doubted,.....	91	
3. disastrous result of its inefficacy,.....	91	
4. an appeal to the People to "break the charm" of the confederation,.....	93	
5. the character of the opposition to the Constitution, and its inconsistency,.....	93	
6. the character of the defects in the confederacy,.....	94	
A. the legislation for States, in their corporate capacity,.....	94	
A. the bad effect of this evil in raising men and money,.....	94	
B. the opposition to the new system, because it deviates from this principle, considered generally,.....	94	
C. the peculiarities of a simple league between independent nations, considered,.....	94	
D. the effect of a simple league, as the bond of union between the States, considered generally,.....	95	
E. such a bond of union inconsistent with the organization of "a superintending power, under the direction of a common council,".....	96	
F. it is also inconsistent with the authority, over <i>the persons of the citizens</i> , which is necessary in the establishment of a government,.....	96	
a. the purposes of government considered generally,.....	96	

Essay. Page.
b. the penalties which governments find it necessary to inflict on offenders against their laws,.....No. XV. 96
A. the coercion of <i>the magistracy</i> , which is applicable only to <i>men</i> ,..... 96
B. the coercion of <i>arms</i> , which is applicable only to <i>States</i> , a. it would be productive of constant war,..... 96 b. it would be subversive of every purpose of government,..... 96
c. the argument that breaches of the laws by the States need not be expected, considered,..... 96
A. such breaches would arise from the passions of the individual members of the States,..... 97
B. from the impatience of control which arises from the sovereign powers of the States,..... 97
g. the improbability of the execution of the Fœderal measures, in a simple league of the States, considered and averred,.. 98
a. supported by the natural constitution of the <i>local</i> authorities,..... 98
b. supported by the experience of the United States, under the old confederation,..... 99
c. supported by the experience of similar confederacies, elsewhere,..... XVI. 100
A. the Lycian and Achæan leagues not thus exposed,.... 100
ii. the employment of force in executing the measures of such a league, "in its application to us," considered,..... 100
a. it would be productive of constant war between the States, 101
b. it would lead to counter-alliances between individual States,..... 101
c. it would lead to alliances between foreign nations and portions of the Union,..... 101
d. it would lead to "the violent death of the confederacy," 102
e. and to the establishment of a military despotism,..... 103
i. the impracticability of sustaining the Union by military coercion,..... 103
j. an efficient government can only be established on the responsibility of individual citizens,..... 103
a. objections answered; that the States, as such, may still interpose their authority, and obstruct the execution of the laws,..... 104
b. that individuals, also, more or less numerous, may still oppose the government,..... 105
c. that the reserved rights of the States would be invaded by the Fœderal government,..... XVII. 107
A. the absence of any competent inducement,..... 107
B. the People of the several States, through the House of Representatives, could frustrate such an attempt,.... 108

	Essay. Page
C. the greater danger that the delegated authority of the Fœderal government will be invaded by the State governments,.....No. XVII.	108
a. from the superior influence which they will exercise over the People,.....	108
i. from the diffusive construction of the Fœderal government,.....	108
ii. from the nature of the objects of local control,.....	108
b. the general subject considered,.....	169
i. enforced by argument,.....	109
ii. illustrated from the history of the feudal system,.	110
iii. illustrated from the history of Scotland,.....	111
iv. illustrated from the history of the Amphictyonie league,.....	XVIII. 112
v. illustrated from the history of the Achaean league,	115
vi. illustrated from the history of the Germanic league,.....	XIX. 119
vii. illustrated from the history of Poland,.....	125
viii. illustrated from the history of Switzerland,.....	125
ix. illustrated from the history of the United Netherlands,.....	XX. 126
k. concluding remarks,.....	131
B. “the total want of a SANCTION to its laws,”.....XXI.	132
a. the Fœderal government possesses no power to exact obedience,.....	132
b. the Fœderal government possesses no power to punish disobedience,.....	132
c. the Fœderal government has received no <i>express</i> delegation of authority to use force against the States,.....	132
C. “the want of a mutual guaranty of the State governments,” 133	
a. the consequent absence of authority in the Fœderal government to assist a State in enforcing its own laws,.....	134
b. the danger of an “officious interference in the domestic concerns of its members” by the Fœderal government considered,.....	134
D. “the principle of regulating the contributions of the States to the common treasury, by QUOTAS,”.....	135
a. the standard of constitutional wealth,.....	135
b. the causes on which it is dependent,.....	136
c. the rule of the confederation, on taxation, is unequal and oppressive, .....	136
D. this cause alone is sufficient to work the destruction of the Union,.....	136
E. the remedy proposed for this evil,.....	137
a. the advantages of taxes on articles of consumption,.....	137
b. the advantages attending indirect taxation,.....	138

	Essay. Page.
E. "the want of a power to regulate commerce,"....No. XXII.	139
A. it operates as a bar to the formation of commercial treaties,	139
B. it has given occasion for dissatisfaction between the States,	139
F. the raising of troops by quotas,.....	140
A. it produces great expense in raising troops,.....	140
B. it is not conducive to a vigorous system of defence,.....	140
C. it is unequal in the burden it imposes on the several States,	141
G. the right of equal suffrage among the States, in the Congress,	141
A. arising from the inequality of weight among the States,..	142
a. objection that sovereigns are equal, answered,.....	142
b. objection that "a majority of the States will be a major- ity of confederated America," answered,.....	142
c. objection that two thirds of the States, in approval, are necessary to the most important acts,.....	142
D. the mischief which is incident to the last-named rule,	143
E. the danger from foreign corruption which it imposes,	144
a. republics particularly exposed to this evil,.....	145
b. instances when this evil has prevailed, i. the deputies of the United Provinces,.....	146
ii. the authorities in Sweden,.....	146
H. "the want of a judiciary power,".....	146
A. to expound and define the true meaning and operation of the laws,.....	146
B. to ascertain the true import of treaties with foreign na- tions,.....	146
C. to secure uniformity in the decision of the judges,.....	147
I. "the organization of Congress utterly improper for the ex- ercise of those powers which are necessary to a Fœderal Union,.....	148
J. the existing Fœderal system never had a ratification by the PEOPLE,.....	149
IV. "THE NECESSITY OF A GOVERNMENT AT LEAST EQUALLY ENERGETIC WITH THE ONE PROPOSED, TO THE ATTAINMENT OF THIS OBJECT" [ <i>the preser-     vation of the Union</i> ],.....	XXIII. 150
1. concerning "the objects to be provided for by the Fœderal government,".....	150
A. "the common defence of the members," .....	150
A. "the authorities essential to the care of the common de- fence,".....	150
a. "to raise armies,".....	150
b. "to build and equip fleets,".....	150
c. "to prescribe rules for the government of both" the ar- mies and the fleets,.....	150
d. "to direct their operations,".....	150
e. "to provide for their support,".....	150

Essay. Page

B. "these powers ought to exist without limitation," No. XXIII. 150

- a. "because it is impossible to foresee or define the extent and variety of national exigencies,"..... 150, 151
- b. because it is impossible to foresee "the extent and variety of means which may be necessary to satisfy" those exigencies,..... 150, 151
- c. this principle fully recognized in the Articles of Confederation,..... 151
- d. no "proper or adequate provision for its exercise" made in those articles,..... 151
- e. the expectations concerning it of the framers of those articles,..... 152
- f. "this expectation was ill-founded and illusory,"..... 152
- g. the effect of that failure,..... 152
- h. the remedy therefor, the measures proposed in the new Constitution,..... 152

c. objection, the danger of standing armies, considered, XXIV. 156

- a. the powers referred to are delegated to the LEGISLATIVE department, not to the EXECUTIVE of the Union, 156
- b. the Congress itself, in the exercise of the powers referred to, is expressly limited by the terms of the proposed Constitution,..... 157
- c. the State constitutions, with two exceptions, contain no interdiction of standing armies, in time of peace,..... 157
- d. the Articles of Confederation "had not imposed a single restraint on the authority of the United States" on this subject,..... 158
- e. the constant danger of the United States from foreign and Indian hostilities renders such authority in the Federal government necessary,..... 159
- f. the growing commerce of the United States demands a navy for its protection,..... 161

D. objection, "that the objects enumerated above ought to be provided for by the State governments," considered, XXV. 162

- a. "it would be an inversion of the primary principle of our political association," by transferring the care of the common defence to the individual members of the Union,..... 162
- A. the result of which would be "oppressive to some States,"..... 162
- B. it might become dangerous to all the States, through the inefficiency or inability of some of them,..... 163
- C. it would create jealousy by increasing the military power of some of the States..... 163

	Essay. Page
D. it might afford temptation for invading the constitutional authority of the Union,.....No. XXV.	163
b. the provisions of the Articles of Confederation on State military and naval establishments, referred to,.....	164
E. the impropriety of restraining the discretion of Congress, on keeping up armies, further considered,.....	164
a. the uncertainty of the period or extent of the danger to be guarded against, .....	164
b. it presumes a possibility of collusion between the Congress and the executive, in schemes of usurpation,....	165
F. the impropriety of restraining Congress in <i>raising armies</i> in times of peace considered,.....	165
G. the objection that "the militia of the country is its natural bulwark," considered,.....	166
a. it often wants "vigor and stability,".....	166
b. it is not the most economical,.....	166
c. standing armies sometimes necessary in times of external peace, .....	167
A. instance of Pennsylvania, notwithstanding her Bill of Rights,.....	167
B. instance of Massachusetts, notwithstanding the Articles of Confederation,.....	167
H. the danger of "fettering the government with restrictions" considered,.....	167
I. "the idea of restraining the legislative authority, in the means of providing for the national defence," further considered,.....	XXVI. 169
a. its origin,.....	169
b. it never found much favor in America,.....	169
J. "the idea which aims at the exclusion of military establishments in times of peace," further considered,.....	170
a. its origin and progress,.....	170
b. vesting authority on the subject in the Congress, a sufficient safeguard,.....	171
A. because the subject must be reconsidered every two years, .....	173
B. because "schemes to subvert the liberties of a people require time to mature them for execution," which cannot be secured, .....	174
C. objection, that the executive may seize supplies, answered,.....	175
D. an appeal for the Union based on this objection,.....	175
B. concerning the administration of the laws,.....XXVII. 176	
A. the assertion that the laws which the Constitution authorizes cannot be executed without the aid of a military force, considered,.....	176

Essay.	Page
a. unless the Fœderal government shall be worse administered than the State governments, there will be no danger from popular ill-will, .....	No. XXVII. 176
b. it is probable that the former will be <i>better administered</i> than the latter,.....	177
A. from the greater latitude of choice, in the selection of officers, .....	177
B. from the peculiar care and judgment with which the Fœderal Senate will be composed, .....	177
C. from the superior intelligence of the Fœderal Congress,.....	177
D. from the absence of faction therein,.....	177
c. there will be less liability to sedition, because there will be a greater power to suppress it,.....	178
d. the Fœderal government "will be strengthened by its extension to matters of internal concern,".....	178
b. the proposed form of government "bids much fairer to avoid the necessity of using force," than that proposed by its opponents,.....	179
a. because "it enables the Fœderal government to employ the ordinary magistracy of each State, in the execution of its laws," .....	179
b. because it displays to the People the common origin of both the Fœderal and the State governments,.....	179
c. because it conveys to the People the consideration of its superior power to enforce obedience, and thereby checks disaffection, .....	179
A. "the laws of the confederacy, as to the <i>enumerated</i> and <i>legitimate</i> objects of its jurisdiction, the SUPREME LAW of the land,".....	180
c. "there may happen cases in which the National government may be necessitated to resort to force,"...XXVIII. 181	
a. in which cases <i>force</i> must be employed,.....	181
A. examples referred to, in the individual States, .....	182
B. it would be equally necessary in the plan proposed by the opponents of the new system,.....	182
b. it will be entirely controlled by the representatives of the People,.....	183
A. if the Congress betrays the People there is no remedy but "the original right of self-defence, which is paramount to all positive forms of government,".....	183
B. in that case it may be remedied better than if a State government should be similarly treacherous,.....	183
C. the State governments the greatest security against Fœderal usurpations of power by the Fœderal authorities,.....	185

	Essay. Page
D. the great extent of our territory affords additional security, .....	No. XXVIII. 185
E. the limited resources of the country afford still more security,.....	185
C. concerning "a general power of taxation,".....	XXIX. 186
A. such authority is necessary in every constitution,.....	187
a. the want of such authority leads either to official plunder, or,.....	187
b. to "a fatal atrophy" in the government, and speedy dissolution,.....	187
B. in the present confederation, the want of it has produced disaster,.....	187
c. the only remedy is "that of permitting the National government to raise its own revenues by the ordinary methods of taxation,".....	188
D. objection, that the authority of Congress should be limited to "external taxation," answered,.....	188
E. reply, "that deficiencies may be provided for by requisitions upon the States," considered,.....	189
a. the "vices and deformities" of the system of requisitions, considered,.....	189
b. its effect in time of war,.....	190
A. primarily, no "proper dependence" on the plan,....	191
B. secondly, the diversion of other funds, already appropriated, to the defence of the State,.....	191
C. thirdly, the destruction of public credit,.....	191
D. fourthly, difficulty in procuring loans,.....	191
E. finally, disaster to the country,.....	191
F. surrejoinder, "that, from the scantiness of the resources of the country, the necessity of diverting the established funds would exist, though the National government should possess this power," considered,.....	191
a. "the resources of the community, in their full extent, will be brought into activity for the benefit of the Union,".....	191
b. "whatever deficiency there may be, can readily be supplied by loans,.....	191
A. confidence inspired, among lenders, by the delegation of this authority of taxation,.....	192
B. distrust arising from the absence of that authority, in the Confederation, removed,.....	192
G. the necessity of "a general power of taxation" further considered,.....	XXX. 192
a. the importance of "first principles," on every general subject,.....	192
b. "first principles" in morals and politics less frequently	

Essay.	Page
a. assented to than those of other branches of knowledge,.....	No. XXX. 194
c. the reason for that diversity of opinion in morals and politics is the passions and prejudices of the reasoner,.....	194
d. the same influences prevail among the opponents of the new system,.....	194
A. the reasoning of the anti-Fœderalists reviewed,.....	194
B. their fairness, in argument, considered,.....	195
C. a review of <i>Publius's</i> arguments on the powers of the government,.....	197
D. a review of the anti-Fœderal arguments on the probability of usurpation by the Fœderal government,.....	197
E. a review of the arguments on the probable aggressions of the State governments on the Fœderal authority,.....	197
a. the sympathy of the People with the State governments,.....	197
II. objection, that such a power in the Fœderal government would interfere with the State governments in their levies of money, considered,.....	XXXI. 198
a. the sense of the People, a barrier to the oppressive use of this power by the Fœderal authorities,.....	198
b. the hazard of provoking the resentments of the State governments, another barrier thereto,.....	198
c. a conviction of the utility and necessity of local administrations, for local purposes, a third barrier thereto,.....	198
d. the several States would still retain an independent and uncontrollable authority to raise their own revenues,....	198
A. an attempt, by the Fœderal authorities, to abridge that authority will be a violent assumption of unconstitutional power,.....	199
B. the sovereignty of the Fœderal authorities limited in extent,.....	199
a. "where the Constitution <i>in express terms</i> grants an exclusive authority to the Union,".....	199
b. "where it grants an authority to the Union and prohibits the States from exercising the like authority," .....	199
c. "where it grants an authority to the Union, to which a similar authority in the States would be absolutely and totally <i>contradictory</i> and <i>repugnant</i> ," .....	199
C. the only exclusive power of taxation which is delegated to the Fœderal government is that of imposing taxes on imports,.....	200
D. the authority to impose taxes on all other articles is	

Essay.	Page
concurrent and coequal in the Fœderal and the State authorities,.....	No. XXXI. 200
a. it has not been <i>exclusively</i> granted to the Union,.....	200
b. it has not been prohibited to the several States,.....	200
c. it is a necessary deduction from the particular restraint which has been imposed on the States concerning duties on exports and imports,.....	200
i. the contrary would be an <i>unnecessary</i> restraint on the States.....	201
ii. it would also be a <i>dangerous</i> restraint on them,.....	201
iii. "the restriction in question is a <i>negative pregnant</i> ,".....	201
d. there is no repugnancy between the authority to levy taxes by the Fœderal authorities, and that under which the State governments do the same,...	202
e. concurrent authority to levy taxes the necessary result of a division of the sovereign power,.....	202
1. objection to the delegation of incidental powers of taxation to the Fœderal government considered,.....	203
a. no authority delegated which it would not have necessarily possessed,.....	203
b. the authority to levy taxes carries with it all the incidental authority which may be <i>necessary</i> and <i>proper</i> to carry it into execution,.....	204
c. the express delegation of incidental authority an act of caution,.....	205
d. the Fœderal authorities must judge, <i>in the first instance</i> , what may be <i>necessary</i> and <i>proper</i> powers for them to exercise,.....	205
e. the constituents of that government must be the <i>ultimate</i> judge of the <i>necessity</i> and <i>propriety</i> of employing such powers,.....	205
A. how the constitutional impropriety of a Fœderal measure must be determined,.....	206
B. instances wherein such impropriety would be evident,	206
2. objection, that the laws of the Union concerning taxation are supreme, considered,.....	206
a. any other than <i>supreme</i> laws would be useless,.....	206
b. all <i>laws</i> must, necessarily, be supreme to those to whom they apply,.....	206
c. "acts which are <i>not pursuant</i> to the Constitution are merely acts of usurpation, and will deserve to be treated as such,".....	207
d. the new system " <i>expressly</i> confines this supremacy to laws made <i>pursuant to the Constitution</i> ,".....	207
e. any act of the United States which interferes with a	

	Essay. Page
State tax-law (unless upon imports and exports) an unconstitutional usurpation of power,.....	No. XXXI. 207
<b>K.</b> "concurrent authority concerning taxation the only admissible substitute for an entire subordination of the States,".....	XXXII. 208
a. absurdity of denying the practical impossibility of coördinate authority,.....	208
b. illustrations of its practicability, from Roman history,....	209
c. difficulties which will interfere with its execution less powerful than those which existed in Rome,.....	209
d. purposes of a Federal revenue more extended than those which the State governments must provide for,.....	210
A. "there ought to be a CAPACITY to provide for future contingencies,".....	210
B. there must be a capacity to provide for the public defence,.....	210
C. for the payment of public debts,.....	212
e. concluding remarks, urging that a delegation of CONCURRENT AUTHORITY was preferable to an entire subordination of the States to the Federal authorities,.....	214
<b>L.</b> objection, "that the jurisdiction of the National government, in the article of revenue, should be restricted to particular objects," considered,.....	XXXIII. 215
a. it would oppress particular branches of industry,.....	215
b. taxes would be unequally distributed,.....	215
c. illustration from the proposed limitation of its jurisdiction to duties on imports, .....	215
A. objections against a high tariff,.....	216
a. it encourages smuggling,.....	216
b. it renders other classes tributary to the manufacturing classes, who will hold a monopoly of the markets,.....	216
c. it will force industry out of its more natural channels into those which are less beneficial,.....	216
d. it will oppress the merchant <i>in the payment of duties</i> ,..	216
B. the limitation proposed would be productive of inequality of taxation among the several States,.....	216
C. the objection, "that the interest of the revenue itself would be a sufficient guard against an extreme tariff," considered,.....	217
<b>M.</b> objection, that the House of Representatives cannot contain representatives of <i>all</i> classes of tax-paying citizens, considered, .....	218
a. such a special representation of each class impracticable,..	219
b. merchants the natural representatives of the mechanic and manufacturing classes,.....	219

	Essay. Page
c. the learned professions form no distinct class in society,.....	No. XXXIII. 219
d. the landholders will be well represented by those in whom they have most confidence, without regard to the extent of their property,.....	220
e. the good effects of a mixed representation, and the impracticability of special delegations from particular classes,.....	220
f. men possessing the most extensive information will best represent all classes,.....	221
g. men of strong minds, who belong to no particular class, will sometimes command the attention which is due to their merit,.....	XXXIV. 222
h. men of different trades will seldom possess greater sympathy for each other than the merchant will for both,..	222
n. objection, that a power of internal taxation in the Fœderal Congress cannot be exercised with advantage for the want of sufficient knowledge of local circumstances, considered,.....	224
a. the members from each State can obtain the necessary information,.....	224
b. systems of finance are usually framed by a few persons,.....	224
c. local disabilities may be easily ascertained and understood,.....	225
d. the assessment of property to be taxed will devolve on discreet persons who are acquainted with "local details," .....	225
e. "the National legislature can make use of <i>the system of each State within that State,</i> " .....	226
f. the proportion of taxes among the States is <i>fixed</i> , and is "to be determined by the numbers of each State," respectively,.....	226
g. if this power should prove "to be really inconvenient," it need not be used, and requisitions may be resorted to, .....	226
A. "why not omit that ambiguous power, in the first instance, and rely on requisitions?" answered,.....	227
a. because, if convenient, this mode will be preferable, .....	227
b. because the existence of such authority will give greater efficacy to requisitions,.....	227
o. clashing of authority concerning taxation, State and Fœderal, cannot occur,.....	227
p. minor objections to the delegation of authority to levy taxes considered,.....	227

	Essay. Page
a. double sets of revenue officers,.....No. XXXIV.	228
b. "duplication of the popular burdens by double taxation," .....	229
c. "the frightful forms of odious and oppressive poll taxes,".....	229
2. in "the power of regulating the militia, and of commanding its services in times of insurrection and invasion,".XXXV.	231
A. uniformity in its organization and discipline is desirable,....	231
B. that uniformity is attainable only by confiding the regulation of the militia to the Fœderal authorities,.....	231
C. the weakness of those who oppose the delegation of this authority to the Fœderal authorities,.....	232
D. objection, that no provision has been made for calling out the <i>posse comitatus</i> , to assist the Fœderal magistrate, considered,.....	232
E. objection, that danger may be apprehended from the delegation of such an authority, considered,.....	233
A. the project for a militia establishment which "PUBLIUS" approved, .....	233
B. the necessity for a military establishment would, thereby, be diminished,.....	235
C. the pretence of <i>danger</i> from a disciplined militia ridiculed,..	235
D. the authority absolutely retained by the States, to appoint the officers of the militia, a sufficient safeguard,.....	235
F. objection, based on the authority to order the militia into distant States, considered,.....	236
V. "THE CONFORMITY OF THE PROPOSED CONSTITUTION TO THE TRUE PRINCIPLES OF REPUBLICAN GOVERNMENT,".....	238
1. introductory remarks,.....	238
A. difficulty of investigating public measures with moderation and candor,.....	239
B. the manner in which the proposed Constitution has been discussed, considered,.....	239
A. the predetermined friend of the new system may be upright,.....	240
B. the predetermined opponent " <i>cannot</i> be upright and <i>must</i> be culpable,".....	240
C. <i>The Fœderalist</i> not addressed either to <i>predetermined</i> enemies or friends of the measure, but to those who desire the happiness of their country,.....	240
D. in considering the plan allowances must be made for the difficulties, inherent in the very nature of the undertaking, which the Convention experienced,.....	240
A. the novelty of the undertaking,.....	240
B. the difficulty of "combining the requisite stability and en-	

Essay.	Page
ergy in government with a due regard to liberty and the republican form,".....	No. XXXVI. 241
c. the difficulty of "marking the proper line of partition between the authority of the General, and that of the State governments,".....	242
d. "the interfering pretensions of the larger and smaller States,".....	245
e. "other combinations [of the States], resulting from a difference of local position and policy,".....	245
E. it need not excite wonder if the proposed Constitution shall want harmony between its several parts,.....	246
F. the experience of the past, on similar subjects, when compared with the result in this case, proves,.....	246
A. that the Convention was not afflicted with party animosities, and,.....	247
B. that "all the deputations composing the Convention were finally accommodated,".....	247
G. "in every case reported by ancient history in which government has been established with deliberation and consent," it has been framed by a single individual,.....	247
	XXXVII. 247
H. the difficulties which they experienced in the establishment of their governments,.....	248
I. the errors which the new system contains are rather the result of the defect of antecedent experience, than of the want of accuracy and care in preparing it,.....	249
A. proved from general causes,.....	249
B. from the peculiar amendments to the Articles of Confederation which have been proposed for ratification,.....	250
J. the present situation of America considered,.....	250
A. the severity of "her malady,".....	251
B. the diversity of the advice given for her relief,.....	251
C. improbability that those who object to the new system could improve it,.....	254
D. the proposed Constitution, notwithstanding its defects, an improvement on the old one,.....	254
E. the principal grounds of objection to the new one exist, or are permitted to be exercised, under the old one,.....	255
F. answer, that notwithstanding these practices, under the old constitution, they are rendered harmless by the entire dependence of the Congress on the constituent States, considered,.....	255
G. the Congress not open to censure for assuming doubtful authority,.....	257
2. "a candid survey of the plan of government reported by the Convention,".....	XXXVIII. 258

	Essay. Page
A. no other than a strictly republican form of government reconcilable with the genius of the People of America,.....	No. XXXVIII. 258
A. what are the distinctive characters of the republican form, considered,.....	258
a. the example of Holland referred to,.....	258
b. the example of Venice referred to,.....	258
c. the example of Poland referred to,.....	258
d. the example of England referred to,.....	259
e. the general subject discussed,.....	259
B. the proposed Constitution conforms to the standard here fixed, 260	
A. in the tenure of its offices,.....	260
B. in its absolute prohibition of titles of nobility,.....	261
C. objection, that it has not preserved the <i>Federal</i> form, but provides for a <i>National</i> government, considered,.....	261
a. what is the real character of the proposed government,..	261
A. it will be founded on the assent and ratification of the People of the several States, as such,.....	262
B. the sources from which its ordinary powers will be drawn,.....	263
a. the House of Representatives, from the People of America,.....	263
b. the Senate, from the States, as such,.....	263
c. the Executive,.....	263
i. immediately from the States in their political characters, .....	263
ii. eventually by the House of Representatives, as representatives of the <i>States</i> , as distinct and co-equal bodies politic,.....	263
C. the operation of its ordinary powers,.....	263
D. the extent of its ordinary powers,.....	264
E. the authority by which amendments are to be made,..	265
F. the subject generally discussed,.....	266
b was the Convention authorized to frame and propose a <i>mixed</i> system,.....	XXXIX. 266
A. the commissions of its members examined,.....	266
B. the recommendatory acts considered,.....	266
C. the authority of the Convention deduced therefrom,..	267
a. "to establish, in these States, a <i>firm National government</i> ," .....	267
b. that government to be " <i>adequate to the exigencies of government, and the preservation of the Union,</i> ".....	267
c. these purposes were "to be effected by <i>alterations and provisions in the Articles of Confederation</i> ,".....	268
d. these alterations were to be reported to the Congress and to the States, for approval and ratification,....	268

	Essay	Page
<i>D.</i> the general subject discussed,.....	No. XXXIX.	268
c. how far considerations of duty might have supplied any defect of regular authority in the Convention,.....	272	
<i>A.</i> as its powers were merely advisory and recommendatory, the proposed system is harmless until it shall be approved,.....	272	
<i>B.</i> the importance, to the United States, of the result of its deliberations,.....	273	
<i>C.</i> the necessity which existed for a radical change in the form of government,.....	274	
<i>D.</i> the question whether the Convention exceeded its powers does not affect the propriety of ratifying the proposed Constitution,.....	275	
<i>C.</i> the Constitution proposed by the Convention considered, .XL.	276	
<i>A.</i> “the sum or quantity of power which it vests in the [Federal] government” considered,.....	276	
<i>a.</i> is the aggregate of that power greater than it should be,..	276	
<i>A.</i> the arguments of opponents considered generally,....	277	
<i>B.</i> the objects of those powers considered,.....	277	
<i>a.</i> concerning “security against foreign danger,”.....	278	
<i>i.</i> the power of declaring war and granting letters of marque,.....	278	
<i>ii.</i> that of providing armies and fleets,.....	278	
<i>i.</i> it must be indefinite,.....	278	
<i>ii.</i> it must extend to times of peace as well as to those of war,.....	278	
<i>iii.</i> the danger from military establishments considered,.....	279	
<i>iii.</i> that of regulating and calling forth the militia,...	284	
<i>iv.</i> that of levying and borrowing money,.....	284	
<i>i.</i> the authority to levy <i>internal</i> taxes considered,..	285	
<i>ii.</i> the indefinite character of the authority considered,.....	285	
<i>A.</i> it has been sufficiently restricted,.....	286	
<i>B.</i> it was copied from the old system,.....	287	
<i>C.</i> an appeal to the objectors,.....	287	
<i>b.</i> concerning the “regulation of the intercourse with foreign nations,”.....	.XLI.	288
<i>i.</i> the power to send and receive ambassadors and consuls and to make treaties,.....	288	
<i>ii.</i> to punish piracies and felonies committed on the high seas, and offences against the laws of nations,	289	
<i>iii.</i> to regulate foreign commerce,.....	290	
<i>i.</i> reflections on the sanction of the slave-trade,....	290	
<i>ii.</i> objection to the Constitution, based on that clause, considered,.....	291	

	Essay. Page
c. the "maintenance of harmony and proper intercourse among the States,".....	No. XLI. 291
i. to regulate commerce among the States and the Indian tribes,.....	292
ii. to coin money, and to regulate its value and that of foreign coin,.....	294
iii. to provide for the punishment of counterfeitors of coin and public securities,.....	294
iv. to fix the standard of weights and measures,....	294
v. to establish an uniform rule of naturalization,....	294
vi. to establish an uniform law of bankruptcy,.....	296
vii. to establish a rule by which public acts, etc., shall be proved, and with what effect,.....	296
viii. to establish post-roads and post-offices,.....	296
d. "miscellaneous powers,".....	XLII. 297
i. the power to pass laws for securing the exclusive right to their works to authors and inventors,..	297
ii. the exclusive right of legislation over the seat of the Fœderal government,.....	297
iii. the punishment of treason against the United States,.....	299
iv. to admit new States into the Union,.....	299
v. to dispose of and govern the territories and public property of the United States,.....	300
vi. to guarantee to every State a republican form of government, .....	300
vii. to protect the States against invasion,.....	302
viii. to protect the States against domestic violence,.	302
i. the powers and rights of majorities and minorities of the several States discussed,.....	302
ii. the probability of a general, overpowering insurrection within all the States considered,...	304
ix. to assume the payment of outstanding debts of the United States,.....	305
i. its purpose,.....	305
ii. objection, that it does not assert the continued validity of debts due to the United States, answered, .....	305
x. to provide for amendments to the Constitution,..	306
xi. the establishment of the new system, when nine States shall have approved it.....	306
i. the violation, by this provision, of the Articles of Confederation considered,.....	307
ii. the relations which will exist between the assenting and the dissenting States of the Union considered,.....	308

	Essay. Page
e. "restrictions on the authority of the several States," No. XLIII.	308
i. forbidding the establishment of treaties and alliances between them, .....	309
ii. forbidding the issue of letters of marque and reprisal,.....	309
iii. forbidding the coinage of money by them,.....	309
iv. forbidding the issue of bills of credit by them,..	309
v. forbidding the establishment of any other legal tender than gold and silver,.....	310
vi. forbidding the passage of bills of attainder,.....	310
vii. forbidding the passage of <i>ex post facto</i> laws,.....	310
viii. forbidding the passage of laws impairing contracts,.....	310
ix. forbidding the establishment of titles of nobility,.	311
x. forbidding the imposition of duties on exports or imports, .....	312
f. "the several powers and provisions by which efficacy is given to all the rest,".....	312
i. the power to make all necessary and proper laws for carrying the preceding powers into execution,..	312
i. the necessity of such authority in the United States, .....	312
ii. other methods considered,.....	312
A. prohibiting the exercise of any power not expressly delegated to the Union,.....	313
B. a positive enumeration of the general powers so delegated,.....	313
C. a negative enumeration of them, by a specification of the reserved powers,.....	314
D. entire silence on the subject,.....	314
iii. the remedy for an abuse of this authority,....	315
ii. the supremacy of the Constitution and constitutional laws of the United States, and of their treaties with other powers,.....	315
i. the effect of reserving the supremacy of the State constitutions therefrom, considered,.....	316
iii. the various officers, State and Fœderal, to be bound by oath to support it,.....	317
i. why <i>State</i> officers are to be thus obligated,.....	317
C. conclusion, that no part of the powers delegated to the Fœderal government is unnecessary or improper,....	317
b. will the aggregated powers of the Union be dangerous to the reserved authority of the several States,.XLIV.	318
A. if the objects of the Union can be attained only through the proposed Constitution, it is not a valid objection	

	Essay. Page
that it abridges the authority of the State governments,.....	No. XLIV. 318
<i>B.</i> the new Constitution will not prove fatal to the State governments,.....	319
<i>a.</i> because of the tendency, in confederacies, to despoil the General government of its delegated powers,..	319
<i>b.</i> because the State governments will possess more influence among the People,.....	321
<i>c.</i> because the State governments are constituent and essential parts of the Fœderal government,.....	321
<i>d.</i> because the employees of the United States will be less numerous than those of the States,.....	321
<i>e.</i> because the powers reserved by the States are relatively greater and more numerous than those which are delegated to the Union,.....	323
<i>f.</i> because the proposed change consists less in the addition of <i>new</i> powers to the Union, than in the invigoration of its <i>old</i> ones,.....	324
<i>g.</i> because the State governments will possess more influence among the People, resumed,.....	XLV. 325
<i>i.</i> the State and the Fœderal governments are in fact only different agents for the People, with different powers and for different purposes,.....	325
<i>ii.</i> they both depend on the sentiments and sanction of common constituents for their respective powers, 325	
<i>iii.</i> the first and most natural attachment of the People will be to their respective State governments, 326	
<i>i.</i> from the greater number of offices in the latter, 326	
<i>ii.</i> from the character of the interests which they provide for,.....	326
<i>iii.</i> from the greater familiarity of the People with them,.....	326
<i>iv.</i> from the history of the country during the war, 326	
<i>iv.</i> if the popular favor should rest on the Fœderal government, it will be only because that will be better administered than the others, .....	327
<i>h.</i> because the prepossessions of the members of the Fœderal government will be in favor of their States,	327
<i>i.</i> because the respective States possess the means of defeating Fœderal encroachments,.....	329
<i>j.</i> because other States would sympathize with the suffering State, and combine for its support,.....	330
<i>k.</i> the objection, that the military power will be in the Fœderal government, answered,.....	330
<i>i.</i> the impossibility of collecting a force for such a purpose,.....	331

	Essay. Page
ii. the superior power of the militia to resist and over- come it,.....	No. XLV. 331
l. concluding remarks on this particular branch of the subject, .....	332
C. concluding remarks, on the danger that the Fœderal powers will be formidable to reserved powers of indi- vidual States,.....	333
b. "the particular structure of" the Fœderal government and the distribution of its powers among its constituent parts," .....	XLVI. 333
a. "its supposed violation of the maxim, that the legis- lative, executive, and judiciary departments ought to be separate and distinct," considered,.....	333
A. the truth of the maxim conceded,.....	334
B. the proposed Constitution does not violate it,.....	334
a. the meaning of the maxim discussed,.....	334
i. the views of Montesquieu examined,.....	334
i. the British Constitution, as his standard of gov- ernment, referred to,.....	334
ii. his own expressed reasons referred to,.....	335
ii. the provisions of the State constitutions, rela- tive thereto, examined,.....	337
i. New Hampshire,.....	337
ii. Massachusetts,.....	338
iii. New York,.....	339
iv. New Jersey,.....	339
v. Pennsylvania,.....	339
vi. Delaware,.....	340
vii. Maryland, .....	340
viii. Virginia, .....	340
ix. North Carolina,.....	341
x. South Carolina,.....	341
xi. Georgia, .....	341
xii. general remarks on the State constitutions,....	342
b. the necessity that "these departments shall be so far connected and blended as to give to each a con- stitutional control over the others," considered,....	XLVII. 342
i. "the powers belonging to one department ought not to be directly and completely administered by either of the others," conceded,.....	343
ii. "neither of them ought to possess an overruling influence over the others in the administration of their powers," conceded,.....	343
iii. what practical security can be provided for each, against the invasion of the others, considered,...	343

	Essay. Page
i. the insufficiency of naked constitutional restrictions,.....	No. XLVII. 343
A. the tendency of the legislature to absorb the others,.....	343
a. from the nature of our political organization,.....	344
b. from "an intrepid confidence in its own strength,".....	344
c. from necessary extent of its powers,.....	345
d. from its control of the pecuniary resources of the country, and the indefiniteness of its authority in many cases,.....	345
e. from the examples presented in history,....	345
B. an instance of executive encroachment accounted for,.....	348
C. concluding remarks,.....	348
ii. Mr. Jefferson's proposition, that, two thirds of the members of each of two of the departments concurring, an appeal to the People may be taken, considered,.....	XLVIII. 349
A. the People the only source of authority,....	349
B. the propriety of a well-defined mode of appealing to the People considered,.....	350
C. it does reach the case of an improper combination of two departments of the government, .....	350
D. by frequent applications it might impair the respect with which the People would regard the government,.....	350
E. the public tranquillity might be disturbed by a too frequent recurrence to the decision of the society,.....	351
F. the decisions thus obtained would not answer the purpose of maintaining the constitutional equilibrium of the government,.....	352
a. the legislature will still control the decision,	352
b. members of the legislature will probably be the members of the conventions to revise the form of government,.....	353
c. when such appeals to the People, against the legislature, will be useful,.....	353
G. concluding remarks on <i>occasional</i> appeals to the People,.....	354
iii. <i>periodical</i> appeals to the People considered,.....	XLIX. 354
A. the disadvantage of <i>short</i> intervals discussed,	355

	Essay. Page
<b>B.</b> the disadvantage of <i>long</i> intervals discussed, No. XLIX.	355
<b>C.</b> the example of Pennsylvania referred to,....	355
iv. the interior structure of the government should be so arranged that its several constituent departments, by their mutual relations, may keep each other in their proper places,.....L.	358
<b>A.</b> the members of each should have little to do in the appointment of members of the others,	359
<b>B.</b> the members of each department should be as little dependent as possible on those of the others for their emoluments,.....	359
<b>C.</b> the members of each should possess the con- stitutional means and personal motives to resist invasions by the members of other departments,.....	360
a. this policy not unfrequently resorted to,...	360
b. an equal power of self-defence cannot be granted to each department,.....	361
c. a division of the power of the legislature necessary, in order to guard against its en- croachments, .....	361
d. an increase of the power of the executive, that of the veto, for its protection, neces- sary, .....	361
v. the advantages afforded by the Fœderal system of America, in securing the rights of the Peo- ple,.....	362
<b>A.</b> the division of the delegated powers between two distinct governments, and its subse- quent subdivision, in each, among distinct and separate departments,.....	362
<b>B.</b> the multitude of different and distinct inter- ests among the People,.....	362
b. "the House of Representatives," .....	LI. 365
<b>A.</b> the qualifications of the electors thereof.....	365
a. why not subject to regulation by the Congress.....	365
b. why not subject to regulation by the State legisla- tures, .....	365
c. why not made uniform throughout the several States,	365
d. the advantages derived from the constitutional pro- vision,.....	365
<b>B.</b> the qualifications of the members,.....	366
<b>C.</b> the term of office of its members,.....	366
a. "whether biennial elections, in this case, will be safe," considered, .....	366

Essay.	Page
i. frequent elections the only effectual security for an immediate dependence on, and sympathy with, the People,.....	No. LI. 366
ii. the length of terms of service in other governments,.....	367
i. British House of Commons, at different periods, 367 ii. Irish Parliament,..... 368 iii. the American colonies,..... 369	
iii. conclusion, that biennial elections will not be dangerous,.....	370
iv. this conclusion strengthened by other circumstances,.....	370
i. the Federal Congress will possess less power than the British or Irish Parliaments, or the colonial Assemblies,.....	370
ii. it will be restrained by its dependence on the People, while it will be watched, also, by the several State governments,.....	370
iii. the other departments of the Fœderal government will possess fewer means to seduce the House than are possessed by the governments referred to,.....	370
v. objection, that "where annual elections end, tyranny begins," considered,.....	LII. 371
i. no adequate reason for the opinion,.....	371
ii. the practice of different States in the choice of their legislators, .....	371
iii. the practice of the British Parliament, by simple statute, to change fundamental principles of government not applicable, in this case, as a reason,.....	372
b. are "biennial elections necessary or useful,".....	373
i. short terms of office prevent members from acquiring the practical knowledge requisite to the due performance of their duties,.....	373
i. greater scope of information necessary in the Fœderal than in the State governments,.....	374
ii. the necessity of acquiring a knowledge of foreign affairs,.....	376
ii. short terms will be inconvenient to members who reside at a distance from the capitol,.....	376
iii. short terms will be more dangerous from the greater number of inexperienced members,.....	377
iv. short terms will prevent the correction of spurious elections,.....	377
v. conclusion, that "biennial elections will be as use-	

	Essay. Page
ful to the public, as they will be safe to the liberty of the People,".....	No. LII. 377
<i>D.</i> "the apportionment of its members to the several States,".....	LIII. 378
<i>a.</i> numbers in each State the proper standard for regulating the representation of each State, .....	378
<i>i.</i> objection against representation of slaves, considered,.....	378
<i>ii.</i> slaves not merely <i>property</i> ,.....	379
<i>iii.</i> slaves are also <i>persons</i> ,.....	379
<i>iv.</i> the Constitution recognizes this <i>mixed</i> character in slaves,.....	379
<i>v.</i> the apportionment is governed by the same rule as that for the levy of direct taxes,.....	380
<i>vi.</i> they are not considered as <i>property</i> merely, in the laws of the States which possess them,...	380
<i>A.</i> reply, that they do not form a basis of <i>local</i> representation, considered,.....	380
<i>vii.</i> the votes in the Congress which are allowed to the several States should be proportioned to the comparative wealth of those States,...	382
<i>b.</i> there will be no inducement for falsifying the census, as the measure for representation is also the measure for taxation,.....	383
<i>E.</i> "the number of which the House is to consist" considered,.....	LIV. 384
<i>a.</i> the importance which is attached to this subject,...	384
<i>b.</i> the difficulty of determining the proper number,....	385
<i>c.</i> the small States require smaller ratios of representation than the large States,.....	386
<i>d.</i> with the limited powers which are delegated to the Congress the necessity for a numerous representation is diminished,.....	386
<i>e.</i> objections considered and answered,.....	387
<i>i.</i> "so small a number of members cannot be safely trusted with so much power,".....	387
<i>i.</i> a rapid increase of population may be expected, and a corresponding increase of representation will ensue,.....	387
<i>ii.</i> "whether the smallness of the number, <i>as a temporary regulation</i> , be dangerous to the public liberty," considered,.....	387
<i>iii.</i> from whence can danger ultimately proceed, considered,.....	388

*Contents.*

	Essay. Page
<b>A.</b> from foreign gold,.....	No. LIV. 388
<b>B.</b> from other branches of the Fœderal government, .....	389
ii. "it will be too small to possess a due knowledge of the interests of its constituents," considered,	
	L.V. 391
i. "the representative ought to be acquainted with the interests and circumstances of his constituents," considered,.....	391
ii. the objects of Fœderal legislation considered,...	391
<b>A.</b> "a very few representatives will be very sufficient vehicles of information concerning commerce to the Fœderal councils," .....	392
<b>B.</b> the same observations will apply to matters concerning taxation,.....	393
<b>C.</b> they "will apply also with greater force to the case of the militia,".....	393
<b>D.</b> nothing in the above reasons will conflict with the necessity, before referred to, for general information in the representative,...	393
iii. the experience of Great Britain referred to,...	394
ii. it will tend to the aggrandizement of the few at the expense of the many,.....	LVI. 396
i. this objection strikes at the root of representative government, .....	396
ii. the members of the House will be elected <i>by</i> all classes and conditions of citizens,.....	397
iii. they will be taken <i>from</i> all classes and conditions of citizens,.....	397
iv. securities to insure their fidelity to their constituents,.....	397
<b>A.</b> their personal character, .....	397
<b>B.</b> the honorable position to which they will be called,.....	398
<b>C.</b> the opportunity which will be afforded to secure honor and distinction,.....	398
<b>D.</b> the frequent election compelling them to remember their dependence on the People,.....	398
<b>E.</b> the measures adopted must operate on themselves as well as on the great mass of the society,.....	399
v. the provisions for electing members, and their qualifications for office, similar to those of the State constitutions for State officers,.....	400
vi. the relative numbers of*the constituencies no	

	Essay. Page
justification for approval of the State system and disapproval of the Fœderal system,.....	No. LVI. 400
A. the doctrine is not <i>reasonable</i> ,.....	400
B. the doctrine is not <i>admissible</i> in its conse- quences,.....	401
C. the doctrine is not warranted by facts,.....	401
a. the British House of Commons,.....	401
b. the State senators of New Hampshire,.....	401
c. the State senators of Massachusetts,.....	402
d. the State senators of New York,.....	402
e. members of Assembly in the cities of New York and Albany,.....	402
f. State representatives in Pennsylvania,.....	402
g. the upper house of the Assembly of Con- necticut,.....	403
h. the Governor of Connecticut,.....	403
i. the Governor of Massachusetts,.....	403
j. the Governor of New York,.....	403
k. the President of New Hampshire,.....	403
iv. “the number of its members will not be augment- ed from time to time as the progress of popula- tion may demand,”.....	LVII. 403
i. the provisions of the State constitutions compared with those of the proposed Constitution,.....	403
ii. the practice of the State governments consid- ered,.....	404
iii. the peculiar organization of the Congress will induce watchfulness on this subject,.....	404
A. the large States, in the House, can control the small ones, and compel their acquies- cence,.....	404
a. objection, that the Senate may object and prevent such an augmentation, answered, 405	
1. there is no probability that the House, representing the majority of the People, could be successfully resisted,.....	405
2. the consciousness of the House being sup- ported by right, reason, and the Consti- tution, will check the Senate,.....	405
3. it is not certain that a majority of the Senate would oppose such an augmen- tation,.....	406
4. senators from the new States will, proba- bly, favor such an augmentation,.....	406
5. “a constitutional and infallible resource”	

	Essay. Page
will be a refusal by the House to vote the supplies,.....No. LVII. 406	
<b>6.</b> the Senate will be more ready to yield, in such a contest, than the House,..... 407	
<i>iv.</i> considerations against a numerous House of Representatives, ..... 408	
<b>v.</b> objection that a majority of the members of each House shall form quorums, and majorities of quorums enact laws, considered,..... 409	
<b>F.</b> the authority vested in the Congress to regulate, in the last resort, the election of the members of the House of Representatives, considered,.....LVIII. 410	
<i>a.</i> introductory remarks,..... 410	
<i>b.</i> "every government ought to contain in itself the means of its own preservation," ..... 411	
<i>i.</i> the different depositaries of power to control the elections, considered,..... 411	
<i>ii.</i> the exact character and extent of the delegated power considered, ..... 411	
<i>c.</i> "the existence of the Union would be entirely at the mercy of the State governments," if the regulation of elections for the Federal government is left en- tirely in their hands,..... 411	
<i>i.</i> the right of self-preservation in the State govern- ments is unimpaired, ..... 412	
<i>ii.</i> objection, that the retention of authority in the State governments to control the election of senators is equally dangerous, considered,..... 413	
<i>i.</i> it is necessary from the character of the States, as constituent bodies, ..... 413	
<i>ii.</i> it is less hazardous, from the peculiar organiza- tion of the Senate, ..... 414	
<i>iii.</i> objection, that the interest of each State to be represented in the House will be sufficient secu- rity against an abuse of power by its govern- ment, considered,..... 415	
<i>d.</i> objection, the Congress may thereby "promote the election of some favorite class of men in exclusion of others," considered,.....LIX. 416	
<i>i.</i> the improbability that such a purpose would be carried out through <i>this</i> channel, discussed,..... 416	
<i>ii.</i> the certainty that, if attempted, it would be cor- rected by "an immediate revolt of the great body of the People, headed and directed by the State governments," averred and discussed,.... 417	
<i>iii.</i> the dissimilarity of the organization of the Senate	

Essay	Page
and the House a security against an improper exercise of this authority,.....	No. LIX. 417
iv. there can be no conceivable motive for such an attempt on the part of Congress,.....	418
v. inquiry concerning the relative weight of influence possessed by different classes of the People,.....	419
vi. the qualifications, both of the electors and the elected, being controlled exclusively by the State governments, no favor can be extended to any particular class by the Congress,.....	421
vii. the certainty of a general revolt against such an assumption of authority further discussed, and the necessity of a military power to insure success to the attempt considered,.....	422
e. objection, that this provision should have been accompanied by a provision that all elections shall be held within the counties where the electors reside, considered,.....	LX. 423
i. such a provision would be harmless,.....	423
ii. it would afford no security from the danger apprehended,.....	423
iii. the provision compared with provisions concerning elections in the State constitutions,.....	424
i. those in the constitution of New York particularly examined,.....	424
ii. defects in the State constitutions no apology for defects in the proposed Constitution, considered, .....	425
f. the probability that such authority in the Congress, to fix uniform days of election, may be very important to the public welfare,.....	426
i. the want of any provision in the proposed Constitution, fixing a particular day for the election, considered,.....	427
ii. concluding remarks,.....	427
c. the Senate,.....	LXI. 428
A. "the qualifications of senators" considered,.....	428
B. "the appointment of senators by the State legislatures" considered, .....	429
C. "the equality of representation in the Senate" considered, .....	429
a. the mixed character of the Federal government requires a mixed representation,.....	429
b. the equal representation in the Senate a recognition of sovereignty in the States,.....	430

	Essay. Page
c. it furnishes a security against improper acts of legislation,.....	No. LXI. 430
D. “the number of senators, and the term for which they are to be elected,” considered,.....	431
a. “the inconveniences which a republic must suffer from the want of such an institution,” .....	431
i. the security which it furnishes against improper legislation will be wanting,.....	431
ii. there will be less security against the “infirmity” of faction,.....	432
iii. there will be less wisdom in the legislation of such a republic,.....	432
i. the importance of a knowledge of the proper mode of legislation,.....	433
ii. the little attention paid thereto in America,....	433
iv. mutability in its councils from frequent changes in its members,.....	433
i. the mischievous effects of such mutability, ....	433
A. it forfeits the respect and confidence of other nations, .....	434
B. by multiplying laws “it poisons the blessings of liberty,” .....	434
C. by affecting the market-price of property it gives the sagacious and the rich an undue advantage over the industrious and uninformed poor,.....	435
D. it checks extended improvements and enterprise,.....	435
E. it diminishes the attachment and reverence of the People,.....	435
v. “the want of a due sense of National character,”	LXII. 436
vi. “the want of a due responsibility in the government to the People,”.....	437
vii. the want of a defence to the People against their own temporary errors and delusions,.....	438
i. objection, that a widely spread People is not subject to such errors and delusions, answered,...	439
b. “history informs us of no long-lived republic which had not a senate,”.....	439
i. the difference between the ancient republics and the United States,.....	440
i. Athens referred to,.....	441
ii. Carthage referred to,.....	441
iii. Sparta referred to,.....	441
iv. Rome referred to,.....	441

	Essay. Page
v. Crete referred to,.....	No. LXII. 442
c. objection, that the Senate will "gradually acquire a dangerous preëminence in the government and finally transform it into a tyrannical aristocracy," considered,.....	442
i. the impossibility of such a result averred and discussed,.....	443
ii. the organization of the Senate of Maryland referred to,.....	443
iii. the organization of the two Houses of the British Parliament,.....	444
iv. the examples of the ancient republics referred to, 444	
<i>i.</i> Sparta and her Ephori,.....	444
<i>ii.</i> Rome and her Tribunes,.....	444
<i>iii.</i> Carthage and her Senate,.....	445
v. the controlling influence of the House of Representatives,.....	445
E. "the powers vested in the Senate,".....	LXIII. 446
a. the treaty-making power,.....	446
i. the great importance of that power,.....	446
ii. the authority to exercise it vested in those who will be best qualified to exercise it,.....	446
iii. a popular assembly does not possess such qualifications,.....	447
<i>i.</i> an intimate acquaintance with public affairs necessary,.....	447
<i>ii.</i> secrecy and despatch are often required,.....	449
iv. objections to this part of the proposed Constitution considered,.....	450
<i>i.</i> that the treaty-making power has not been delegated to men invested with legislative authority,.....	450
<i>ii.</i> that treaties so entered into are to be of <i>supreme</i> authority,.....	451
<i>iii.</i> that treaties so entered into are not repealable at pleasure, like Acts of Assembly,.....	451
<i>iv.</i> that they may be made instruments of oppression,.....	451
<i>v.</i> that proper guards against corruption are wanting, 452	
<b>A.</b> the responsibility of senators considered,....	452
v. concluding remarks,.....	453
b. the appointing of public officers, .....	LXIV. 453
c. its authority as a court for the trial of impeachments,.....	453
i. the difficulty in forming such a court, in an elective government,.....	453

	Essay. Page
ii. the subjects of its jurisdiction render the trust a delicate one,.....	No. LXIV. 453
iii. the Senate the most fit depositary of that trust,..	454
iv. the propriety of delegating that authority to the Supreme Court considered,.....	455
<i>i.</i> that court will not possess the fortitude, credit, and authority requisite to the execution of the duties of the trust,.....	455
<i>ii.</i> the membership of the Supreme Court will be too limited,.....	456
<i>iii.</i> as the punishment inflicted by the Court of Impeachment will not terminate the proceedings, it will be improper to bring the offender twice before the same court,.....	456
v. the propriety of a junction of the Supreme Court with the Senate in this trust, considered and denied,.....	457
vi. the propriety of delegating this authority to those who are wholly disconnected with other departments of the government, considered and denied, 458	
vii. the proposed Constitution should not be rejected for that cause, even if this feature is not the most desirable,.....	459
viii. objections to this portion of the new Constitution considered,.....	LXV. 460
<i>i.</i> it unites legislative and judicial authority in the same body,.....	460
<b>A.</b> the inconsistency of those who raise the objection while they admire the constitution of New York, in which similar provisions exist,.....	461
<i>ii.</i> it contributes to an undue accumulation of power in the Senate, and tends toward the establishment of an aristocracy,.....	461
<i>iii.</i> as an appointing power, the Senate will be too lenient judges of the conduct of those whom they shall have appointed to office,.....	463
<i>iv.</i> as a treaty-making power, the Senate may be called to try themselves for corrupt or perfidious action.....	465
d. the Executive department,.....	LXVI. 467
<i>A.</i> the misrepresentations of this subject considered,.....	467
<i>B.</i> the mode of electing the President considered,.....	LXVII. 472
<i>a.</i> the only part of the new Constitution which its opponents do not condemn,.....	472

	Essay. Page
b. "it is pretty well guarded,".....	No. LXVII. 473
c. "it was desirable that the sense of the People should operate in the choice,".....	473
d. it was desirable that the choice should be made by competent persons,.....	473
e. it was desirable to avoid tumult and disorder,.....	473
f. it was desirable to avoid cabal, intrigue, and corruption,.....	474
g. it was desirable to maintain the independence of the President on all but the People themselves,.....	475
h. "all these advantages will happily combine" in the proposed Constitution,.....	475
i. the choice will seldom fall on one who will not be qualified,.....	475
C. the choice of a Vice-President by the People considered and approved,.....	476
D. "the real characters of the proposed Executive" considered generally,.....	LXVIII. 477
a. the executive authority is delegated, generally, to one person,.....	477
i. compared with King of Great Britain,.....	478
ii. compared with Governor of New York,.....	478
b. he is elected for four years, and is reëligible,.....	478
i. compared with King of Great Britain,.....	478
ii. compared with Governor of New York,.....	478
c. he is liable to impeachment, trial, removal from office, and subsequent punishment by the civil law,.....	478
i. compared with King of Great Britain,.....	478
ii. compared with Governor of New York,.....	478
iii. compared with the Governors of Maryland and Delaware, .....	478
d. he has the power of vetoing any measure passed by Congress, .....	479
i. his authority in this case compared with that of the King of Great Britain,.....	479
ii. his authority in this case compared with that of the Council of Revision in New York,.....	479
iii. his authority in this case compared with that of the Governor of New York,.....	479
iv. his authority in this case compared with that of the Governor of Massachusetts,.....	479
e. he is commander-in-chief of the militia, when in the Federal service,.....	480
i. his authority in this case compared with that of the King of Great Britain,.....	480

	Essay.	Page
ii. his authority in this case compared with that of the Governor of New York,.....	No. LXVIII.	480
<i>f.</i> he is commander-in-chief of the army and navy of the United States,.....		480
i. his authority therein compared with that of the King of Great Britain,.....		480
ii. his authority therein compared with that of the Governor of New York,.....		480
iii. his authority therein compared with that of the Governors of New Hampshire and Massachu- setts,.....		481
<i>g.</i> his power to pardon offenders against the laws,.....		481
i. his authority therein compared with that of the Governor of New York,.....		481
<i>h.</i> his power, in one case, to adjourn the Congress,.....		482
i. his power therein compared with that of the King of Great Britain,.....		482
ii. his power therein compared with that of the Gov- ernor of New York,.....		482
<i>i.</i> his treaty-making power,.....		482
i. his power therein compared with that of the King of Great Britain,.....		482
<i>j.</i> his power to <i>receive</i> ambassadors and public ministers, 483		
<i>k.</i> his power, in connection with the Senate, to <i>appoint</i> ambassadors and other ministers,.....		483
i. his power therein compared with that of the King of Great Britain,.....		484
ii. his power therein compared with that of the Gov- ernor of New York,.....		484
<i>l.</i> the general authority of the President reviewed, and compared with that of the Governor of New York,.....		485
<i>m.</i> the general authority of the President reviewed, and compared with that of the King of Great Britain,..		485
<i>E.</i> the provisions of the new Constitution, concerning the Executive, further considered,.....	LXIX.	486
<i>a.</i> the idea that a vigorous executive is inconsistent with the genius of republican government exam- ined and refuted,.....		486
<i>b.</i> “the ingredients which constitute energy in the Ex- ecutive” considered,.....		487
<i>i.</i> unity,.....		488
<i>i.</i> it has been approved by the soundest political writers, .....		488
<i>ii.</i> it is indisputably conducive to energy,.....		488
<i>iii.</i> in what manner it may be destroyed,.....		488

	Essay. Page
<b>A.</b> by vesting the authority in two or more magistrates,.....	No. LXIX. 488
<b>B.</b> by making the authority subject to the coöperation and control of a council,.....	488
a. plurality of magistrates considered,.....	489
b. the controlling authority of a council considered,.....	491
c. the argument reviewed and concluded,.....	491
1. plurality removes responsibility and destroys the force of popular opinion,....	492
2. it tends to concealment of wrong-doing,..	492
3. councils are unnecessary where the magistrate is personally responsible,.....	494
4. plurality in the Executive will be more dangerous to liberty,.....	495
5. plurality will be more expensive,.....	496
ii. duration in office of the Executive,.....	LXX. 496
i. it affects his personal firmness in the employment of his constitutional powers,.....	496
<b>A.</b> more interest will be felt in that which is permanent,.....	497
<b>B.</b> subserviency to popular impulses not desirable in the Executive,.....	497
<b>C.</b> subserviency to the humors of the legislature equally improper,.....	498
<b>D.</b> independence of the several departments of government necessary,.....	499
<b>E.</b> shortness of the term of office will affect the independence of the Executive,.....	500
<b>F.</b> a term of four years compared with longer and shorter terms,.....	500
ii. it affects the stability of his system of administration, .....	LXXI. 502
<b>A.</b> the term "administration of government" defined,.....	502
<b>B.</b> the heads of foreign, finance, military, and naval departments are only "assistants or deputies of the chief magistrate," and ought to be appointed by him and be subject to his superintendence,.....	502
<b>C.</b> changes in the Executive will produce, primarily, changes in these departments, and, ultimately, changes in the system of administration, .....	503
iii. the reëligibility of the Executive considered,....	503
<b>A.</b> the opposition thereto considered,.....	503

	Essay. Page
<b>B.</b> the effects of confining the eligibility to a single term,.....No. LXXI.	504
a. the inducements to good behavior would be diminished,.....	504
b. temptations would be offered to selfishness, peculation, and usurpation,.....	504
c. it would deprive the country of experience in the magistracy,.....	505
d. it would deprive the country of the services of those who can be most useful in cases of emergency,.....	506
e. it would operate as a constitutional interdiction of stability in the administration,.	506
<b>C.</b> an examination of the supposed advantages of such a limitation of eligibility,.....	507
a. greater independence in the magistracy,...	507
b. greater security to the People,.....	507
<b>D.</b> conclusions, on the impropriety of confining the choice of the People, when incumbents are qualified, to other and inexperienced candidates,.....	508
iii. an adequate provision for its support,....LXXII.	508
i. without such a provision the Executive would be at the mercy of the legislature,.....	509
ii. the independence of the Executive cannot be impaired,.....	509
iv. competent powers,.....	510
i. the power of returning bills to the legislature without approval,.....	510
A. the propensity of the legislature to usurp authority considered,.....	510
B. the propriety of delegating this authority to the Executive considered,.....	510
a. to defend the Executive from legislative aggressions, .....	510
b. to defend the People from improper legislation,.....	511
C. objection, that “one man cannot possess more wisdom and virtue than a number of men,” considered,.....	511
D. objection, that “the power of preventing bad laws includes that of preventing good ones,” considered,.....	512
E. the influence of the legislature will prevent the frequent and incautious use of this power,.....	512

	Essay. Page
<b>F.</b> the greater danger is that it will not be used at all times when it may be employed usefully.,	No. LXXII. 513
<b>G.</b> the power not being <i>absolute</i> , two thirds of the legislature may successfully resist it, .....	514
a. a similar power delegated to the "Council of Revision" in New York,.....	515
b. the Governor of Massachusetts possesses a power similar to that which is here delegated to the Executive,.....	515
c. the latter preferable to the former,.....	515
ii. the command of the military and naval forces of the Union,.....	LXXIII. 516
iii. to require opinions of heads of the executive departments,.....	516
iv. the power of pardoning offenders against the laws of the Union,.....	517
A. the propriety of delegating it to a single person considered,.....	517
B. the propriety of delegating authority <i>to the President</i> to pardon traitors considered,....	517
v. in connection with the Senate, to make treaties,	
	LXXIV. 519
A. one of the best digested features of the proposed Constitution,.....	519
B. objection, that it unites the executive and legislative departments, considered,.....	520
a. it is a proper combination of the two departments,.....	520
b. it is not entirely an <i>executive</i> , nor is it entirely a <i>legislative</i> subject, but combines the nature of both,.....	520
c. it cannot properly be delegated to an elective Executive alone,.....	521
d. it cannot properly be delegated to the Senate alone,.....	522
e. the House of Representatives cannot properly be admitted to share in that power,..	523
C. objection, that two thirds of <i>all</i> the Senators should be required, instead of two thirds of those present, considered,.....	523
vi. in connection with the Senate, to appoint certain public officers,.....	LXXV. 525
A. this feature of the proposed Constitution is entitled to particular commendation,.....	526
B. the People at large cannot exercise this power, 526	

	Essay. Page
C. the President will usually be a man of ability,.....No. LXXV.	527
D. the delegation of this authority to <i>one man</i> will beget a livelier sense of duty and greater regard to reputation than the delegation of it to many,.....	527
E. objection, that it should have been delegated <i>solely</i> to the President, considered,.....	528
a. all the advantages desired to be gained thereby will be secured by the proposed plan,.....	528
b. the fact that his choice may be overruled by the Senate considered,.....	529
c. the necessary concurrence of the Senate will afford a check on the favoritism of the President,.....	529
F. objection, that the President thereby may secure the complaisance of the Senate to his views, considered,.....	530
a. the integrity of the whole body of the Senate will check such a result,.....	531
b. the proposed Constitution has guarded against it,.....	531
G. the consent of the Senate will be necessary to displace as well as to appoint officers of the government,.....LXXVI.	532
a. further stability will thereby be secured to the government,.....	532
H. objection, that the Senate will be unduly controlled by the President, considered,.....	533
I. objection, that the President will be unduly controlled by the Senate, considered,.....	533
J. this feature of the proposed Constitution compared with the plan of appointing State officers in New York,.....	534
K. the impropriety of delegating this authority to a council of appointment,.....	535
L. the impropriety of admitting the House of Representatives to share in this authority,..	536
vii. to communicate information to Congress on the state of the Union,.....	536
viii. to recommend to Congress the adoption of such measures as he shall consider expedient,.....	537
ix. to convene one or both branches of the Congress on extraordinary occasions,.....	537
x. to adjourn the Congress when there is a dis-	

	Essay.	Page
agreement concerning the time of adjournment,.....	No. LXXVI.	537
xi. to receive ambassadors and other public ministers,.....		537
xii. to execute the laws of the Union,.....		537
xiii. to commission all the officers of the United States,.....		537
<i>F.</i> concluding remarks,.....		537
e. the Judiciary department,.....	LXXVIII.	538
<i>A.</i> "the mode of appointing the judges," considered,....		539
<i>B.</i> "the tenure by which the judges are to hold their places" considered,.....		539
<i>a.</i> it is similar to that by which the judges in the several States hold office,.....		539
<i>b.</i> objection thereto considered,.....		539
<i>i.</i> the Judiciary will be least in a capacity to annoy the other departments of the government,.....		539
<i>ii.</i> it is the weakest of the three departments of government,.....		540
<i>c.</i> the necessity for a complete independence of the Judiciary,.....		541
<i>i.</i> the authority of the courts to pronounce legislative acts void because contrary to the Constitution, considered,.....		541
<i>ii.</i> the exercise of that authority does not indicate that the Judiciary is <i>superior</i> to the legislature,..		541
<i>iii.</i> that the legislature is the constitutional judge of its own powers, considered and denied,.....		542
<i>iv.</i> the interpretation of the laws is the peculiar province of the courts,.....		542
<i>i.</i> the effect of that interpretation on the action of the courts,.....		542
<i>v.</i> that consideration a reason for the permanent tenure of the Judiciary,.....		544
<i>vi.</i> independence of the Judiciary also necessary in order that it may guard the Constitution and the rights of individuals from sudden impulses of popular passion and prejudice,.....		544
<i>vii.</i> as well as the private rights of individuals from the mischievous effects of unjust and partial laws,.....		545
<i>viii.</i> it is necessary, also, to insure an inflexible and uniform adherence to the rights of the Constitution and of individuals,.....		546
<i>ix.</i> and from the nature of the qualifications which are required for the discharge of its duties,.....		546
<i>d.</i> the wisdom of the provision establishing good be-		

	Essay. Page
havior as the tenure of office in the Judiciary department considered as conducive to its independence,.....	No. LXXVIII. 547
e. a fixed provision for the support of the Judiciary also contributes to its independence,.....	LXXIX. 548
i. "a power over a man's subsistence amounts to a power over his will," .....	548
ii. the provisions of the proposed Constitution on this subject stated,.....	548
f. the responsibility of the Judiciary considered,.....	550
i. it will be liable to impeachments under the proposed Constitution,.....	550
ii. it is not liable to removal for inability,.....	550
i. the impossibility of fixing the limits of ability and disability,.....	550
ii. the provisions of the constitution of New York considered,.....	550
g. the extent of the authority delegated to the Judiciary,.....	LXXX. 551
i. to what cases the judicial authority of the Union <i>ought</i> to extend, considered,.....	551
i. to all cases arising from the duly enacted laws of the Union,.....	552
A. the necessity of a constitutional method of giving efficacy to constitutional provisions,..	552
B. examples referred to,.....	552
ii. to all cases which concern the execution of the provisions expressly contained in the articles of Union,.....	553
iii. to all cases in which the United States are a party, .....	553
iv. to all cases which involve the PEACE of the CONFEDERACY,.....	553
A. in their foreign relations,.....	553
B. wherein two States, or a State and the citizens of another State, or the citizens of different States, are parties,.....	554
v to all cases which originate on the high seas, and are of admiralty or maritime jurisdiction,.	555
vi. to all cases wherein the State tribunals cannot be supposed to be impartial and unbiased,....	555
ii. to what cases it will extend under the proposed Constitution,.....	556
i. the constitutional provision stated generally,....	556
ii. the powers thus delegated "conformable to the principles which <i>ought</i> to have governed the structure of the Judiciary,".....	556

	Essay. Page
<i>iii.</i> the propriety of delegating "equity jurisdiction" discussed,.....	No. LXXX. 557
<i>iii.</i> concluding remarks,.....	558
<b>C.</b> "the partition of the judiciary authority between different courts, and their relations to each other,"....	LXXXI. 559
<i>a.</i> the constitutional provision stated,.....	559
<i>b.</i> the propriety of establishing "one court of supreme and final jurisdiction" considered,.....	560
<i>i.</i> the propriety of delegating that authority to a distinct department, considered,.....	560
<i>i.</i> that "the errors and usurpations of such a body will be unaccountable and remediless" considered,.....	560
<b>A.</b> the proposed Constitution does not " <i>directly</i> empower the Judiciary to construe the laws according to the spirit of the Constitution,"	561
<i>ii.</i> it secures more completely the separation of the Judiciary from the legislature,.....	561
<i>iii.</i> it recognizes more fully the principle of good behavior as the tenure of judicial office,.....	562
<i>iv.</i> it secures greater legal ability in the determination of causes,.....	562
<i>v.</i> it removes the Judiciary from the arena of party strife,.....	562
<i>vi.</i> the example of several States considered,.....	562
<i>ii.</i> no legislature can rectify the exceptionable decisions of the courts in any other sense than by prescribing a rule for <i>future</i> action,.....	563
<i>iii.</i> the "supposed danger of judiciary encroachments on the legislative authority" considered,.....	563
<b>c.</b> "the propriety of the power of constituting inferior courts" considered,.....	564
<i>i.</i> "it obviates the necessity of having recourse to the Supreme Court in every case of Federal cognizance,".....	564
<i>ii.</i> why the same purpose may not be accomplished by the instrumentality of the State courts considered, .....	565
<i>iii.</i> the advantage to be gained by dividing the United States into judicial districts,.....	566
<i>d.</i> "in what manner the judicial authority is to be distributed between the Supreme and the inferior courts of the Union,".....	566
<i>i.</i> the <i>original</i> jurisdiction of the Supreme Court considered,.....	566

	Essay. Page
i. the Fœderal courts have no authority to enforce the payment of their debts by the individual States,.....	No. LXXXI. 567
ii. the <i>original</i> jurisdiction of the inferior courts considered,.....	568
iii. the <i>appellate</i> jurisdiction of the Supreme Court considered,.....	568
<i>i.</i> the meaning of the term "appellate" dis- cussed,.....	568
<i>ii.</i> a review of matters of fact by the Supreme Court not to be implied as a necessary conse- quence, .....	569
<i>iii.</i> the motives which probably influenced the Convention in relation to this particular provi- sion,.....	570
<i>iv.</i> the Congress will have authority to restrain the Supreme Court from reexamining matters of fact, .....	570
<i>v.</i> concluding remarks, .....	571
e. the jurisdiction of the State courts on Fœderal ques- tions considered,.....	LXXXII. 571
<i>i.</i> the individual States "will retain all <i>preexisting</i> au- thorities which may not be <i>exclusively</i> delegated to the Fœderal head,".....	572
<i>i.</i> in what that "exclusive delegation" consists,...	572
<i>ii.</i> "the State courts will <i>retain</i> the jurisdiction they now have, unless it appears to be taken away by exclusive delegation,".....	572
<i>ii.</i> "the concurrent jurisdiction of the State tribu- nals the most natural and defensible construc- tion" of the Constitution,.....	573
<i>ii.</i> this is "only clearly applicable to those descrip- tions of causes of which the State courts had previous cognizance," .....	573
<i>iii.</i> the decision of causes arising upon a <i>particular</i> <i>regulation</i> may be committed by the Congress to the Fœderal courts solely, if it desires to do so, .....	573
<i>i.</i> this will not divest the State courts of any part of their <i>primitive</i> jurisdiction, further than may relate to an appeal,.....	573
<i>ii.</i> nor, except where expressly excluded, of their right to take cognizance of the causes to which those <i>particular regulations</i> may give birth,.....	574
<i>iv.</i> the relation which will subsist between the State and the Fœderal courts in instances of concur- rent jurisdiction, .....	574

	Essay. Page
i. an appeal will lie from the State courts to the Supreme Court of the United States,.....	No. LXXXII. 574
ii. the appellate jurisdiction of the inferior Federal courts, in such cases, considered, .....	575
D. objection, that no provision has been introduced into the proposed Constitution to establish the right of trial by jury in civil cases, considered, ....LXXXIII. 576	
a. the disingenuous form of the objection considered,..	577
i. the <i>silence</i> of the Constitution on this subject,....	577
ii. rules of legal interpretation applicable to this case, considered, .....	577
iii. "a power to constitute courts is a power to prescribe the mode of trial" therein,.....	578
iv. concluding remarks,.....	578
b. the proper use and true meaning of the maxims on which the objection rests,.....	579
c. the importance of the right of trial by jury considered,	581
i. its importance in criminal cases conceded,.....	581
ii. its relative unimportance in civil cases maintained,	581
i. a safeguard against undue taxation, denied,....	582
ii. it affords security against official corruption, ...	583
iii. it is useful in settling questions of property,...	584
iii. the extent to which juries are employed in different States,.....	584
d. "no general rule could have been fixed upon by the Convention which would have corresponded with the circumstances of <i>all</i> the States,".....	586
e. "as much might have been hazarded by taking the system of any one State as a standard, as by omitting it altogether" and leaving it to the Congress,. 586	
f. the difficulty of establishing a general constitutional rule, .....	586
i. the impropriety of its use in many cases,.....	587
i. those in which the foreign relations of the United States are concerned,.....	587
ii. those which belong to the equity jurisdiction,..	588
ii. "the proposition of Massachusetts" on this subject considered, .....	589
iii. the provision of the constitution of New York on this subject considered, .....	591
iv. the proposition that it should be established in all cases whatever, .....	592
v. concluding remarks,.....	592
c. other objections to the proposed Constitution considered and answered,.....	LXXXIV. 594

	Essay.	Page
a. it contains no Bill of Rights,.....	No. LXXXIV.	595
A. the constitution of New York contains none, considered,.....	595	595
a. it contains provisions in the body of the instrument, which, in substance, amount to the same thing,..	595	595
b. it adopts, in their full extent, the common and statute laws of Great Britain,.....	595	595
B. the proposed Constitution contains, in the body of the instrument, similar equivalent provisions,.....	595	595
C. a Bill of Rights will be <i>unnecessary</i> , because the People will <i>surrender nothing</i> in the adoption of the proposed Constitution, and the government will be administered by their immediate representatives and servants,....	598	598
D. a Bill of Rights would be dangerous, as implying the grant of all powers not expressly withheld,.....	599	599
E. the liberty of the press considered,.....	599	599
F. the proposed Constitution itself a Bill of Rights,....	600	600
b. "the seat of government will be too remote from many of the States to admit of a proper knowledge, on the part of the constituent, of the conduct of the representative," .....	601	601
c. there is no provision respecting debts due to the United States,.....	603	603
d. the additional expense which will be imposed by the new system, .....	603	603
A. the increase of offices under the new government considered,.....	604	604
a. in many cases the State officers will be diminished to the same extent,.....	605	605
b. the judiciary will furnish the principal additions,....	605	605
B. the diminished sessions of the Congress will counter-balance much of the increased expense,.....	605	605
C. the State legislatures, also, will hold shorter sessions, at diminished cost,.....	606	606
D. concluding remarks,.....	606	606
VI. "ITS ANALOGY TO YOUR [ <i>the People of the State of New York</i> ] OWN STATE CONSTITUTION," .....	LXXXV.	607
VII. "THE ADDITIONAL SECURITY WHICH ITS ADOPTION WILL AFFORD TO THE PRESERVATION OF THAT SPECIES OF GOVERNMENT, TO LIBERTY, AND TO PROPERTY,".....	608	608
VIII. CONCLUDING REMARKS,.....	609	609
1. the manner in which PUBLIUS had discussed the subject considered,.....	609	609
A. an appeal to the reader to weigh the subject under discussion carefully, and to act conscientiously,.....	609	609

	Essay.	Page
B. the entire confidence of <b>PUBLIUS</b> in the arguments which recommend the proposed system,.....	No. LXXXV.	610
2. the conceded imperfections of the system no cause for delay in adopting it,.....		610
A. the extent of these concessions has been greatly exaggerated,.....		610
A. " that it is radically defective " denied,.....		610
B. " that without material alterations the rights and interests of the community cannot be safely confided to it " denied,.....		610
c. although not <i>perfect</i> , it is upon the whole a <i>good</i> plan,.....		611
B. the precarious state of the country forbids delay for the only purpose of engaging in the chimerical pursuit of a <i>perfect</i> plan of government,.....		611
A. the improbability of assembling a new convention with the same success as that which attended the last,.....		611
B. more easy to obtain amendments <i>subsequent</i> to the adoption of the Constitution than <i>previous</i> thereto,.....		612
c. no plan can be proposed which will be satisfactory to <i>all</i> the States, in every respect,.....		612
d. supposed obstacles in the way of making <i>subsequent</i> amendments considered,.....		612
E. the ease with which a Federal convention may be called for the amendment of the Constitution, under the provisions of the proposed Constitution,.....		613
3. concluding remarks,.....		614

A COMPARATIVE EXHIBIT  
OF THE  
CLAIMS TO THE AUTHORSHIP OF THE FEDERALIST.

Original Numbers.	Modern Numbers.	Gen. Hamilton in his own copy, <sup>1</sup> and in the Benson manuscript. <sup>2</sup>	Gen. Hamilton to Chancellor Kent. <sup>3</sup>	Mr. Madison in his own copy, <sup>4</sup> and in Mr. Rush's copy. <sup>5</sup>	Mr. Ames's manuscript notes. <sup>6</sup>	Chancellor Kent's manuscript notes. <sup>7</sup>	Mr. Jefferson's manuscript notes. <sup>8</sup>	Mr. Jay's recollections, as far as ascertained. <sup>9</sup>
No.	No.	Ham.	Ham.	Jay	Jay	Ham.	Ham.	Jay
I.	I.	Ham.	Ham.	Jay	Jay	Ham.	Ham.	Jay
II.	II.	Jay	Jay	Jay	Jay	Jay	Jay	Jay
III.	III.	Jay	Jay	Jay	Jay	Jay	Jay	Jay
IV.	IV.	Jay	Jay	Jay	Jay	Jay	Jay	Jay
V.	V.	Jay	Jay	Jay	Jay	Jay	Jay	Jay
VI.	VI.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Jay
VII.	VII.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Jay
VIII.	VIII.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Jay
IX.	IX.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Jay
X.	X.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	Jay
XI.	XI.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Jay

<sup>1</sup> Vide letter published in *The Port Folio*, Vol. IV. No. 20, ante, page xxviii.

<sup>2</sup> Vide ante, pages xxvi. xxvii.

<sup>3</sup> "I am assured that Numbers 2. 3. 4. 5. & 64 were written by JOHN JAY

" Numbers 10. 14. 37 to 49 both Inclusive & 53 by JAMES MADISON Jun—

" Numbers 18. 19. 20. by Mess<sup>rs</sup> MADISON & HAMILTON jointly.

" All the rest by M<sup>r</sup> HAMILTON

" ((—M<sup>r</sup> HAMILTON told me that M<sup>r</sup> MADISON wrote 48 & 49 or from pa. 101 to 112 " of Vol. 2d ==))

[In much darker colored ink, and in a different style of the Chancellor's writing:] "NB — "I showed the above Mem<sup>r</sup> to General HAMILTON in my office in Albany, & he said it "was correct, seeing the correction above made— " Chancellor KENT'S MS. notes on the first fly-page of his copy of M'LEAN'S edition of The Federalist, now owned by his grandson, JAMES KENT, Esq., of Fishkill Landing, N. Y.

<sup>4</sup> Copied from the original MS. notes in Mr. MADISON'S copy of TIEBOUT'S edition of The Federalist, by WILLIAM Q. FORCE, for his father, General PETER FORCE, of Washington, D. C.

<sup>5</sup> Vide letter of BENJAMIN RUSH, Esq., ante, pages xxxix to xl.

<sup>6</sup> Copied from the original MS. notes in Mr. AMES'S copy of M'LEAN'S edition of The Federalist, now owned by his grandson-in-law, FRANCIS HOWLAND, Esq., of Englewood, N. J.

<sup>7</sup> "Mem<sup>r</sup> I have no doubt M<sup>r</sup> JAY wrote No 64 on the Treaty Power— He made a "Speech on that Subject in the N Y Convention, & I am told he says he wrote it—I "suspect therefore from internal Ev. the above to be the correct List, & not the one on "the oppposite Page— " Chancellor KENT'S MS. notes, appended to this list, and in his copy of The Federalist, before referred to, inserted immediately opposite to the memorandum approved by General HAMILTON and copied into Note 3.

<sup>8</sup> From the original MS. notes in Mr. JEFFERSON'S copy of M'LEAN'S edition of The Federalist, now in the Library of Congress, Washington, D. C.

<sup>9</sup> From the understanding in Mr. JAY'S family, from Chancellor KENT'S MS. notes, and from the biographical sketch of Mr. JAY'S life in DELAPLAINE'S *Repository of the Lives and Portraits of Distinguished American Characters*.

Original Numbers.	Modern Numbers.							
No.	No.							
XII.	XII.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
XIII.	XIII.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
XIV.	XIV.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.
XV.	XV.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
XVI.	XVI.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
XVII.	XVII.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
XVIII.	XVIII.	H. & M. H. & M.	H. & M. H. & M.	Mad.	H. & M. H. & M.	Mad.	Mad.	Mad.
XIX.	XIX.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
XX.	XX.	H. & M.	H. & M.	Mad.	H. & M.	Mad.	Mad.	Mad.
XXI.	XXI.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
XXII.	XXII.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
XXIII.	XXIII.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
XXIV.	XXIV.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
XXV.	XXV.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
XXVI.	XXVI.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
XXVII.	XXVII.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
XXVIII.	XXVIII.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
XXIX.	XXX.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
XXX.	XXXI.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
XXXI.	{ XXXII. XXXIII.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
XXXII.	XXXIV.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
XXXIII.	XXXV.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
XXXIV.	XXXVI.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
XXXV.	XXXIX.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
XXXVI.	XXXVII.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.
XXXVII.	XXXVIII.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.
XXXVIII.	XXXIX.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.
XXXIX.	XL.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.
XL.	XLI.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.
XLI.	XLII.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.
XLII.	XLIII.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.
XLIII.	XLIV.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.
XLIV.	XLV.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.
XLV.	XLVI.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.
XLVI.	XLVII.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.
XLVII.	XLVIII.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.	Mad.
XLVIII.	XLIX.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
XLIX.	L.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
L.	LI.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
LI.	LI.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
LII.	LIII.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
LIII.	LIV.	Jay	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
LIV.	LV.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
LV.	LVI.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
LVI.	LVII.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
LVII.	LVIII.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
LVIII.	LIX.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
LIX.	LX.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
LX.	LXI.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
LXI.	LXII.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
LXII.	LXIII.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
LXIII.	LXIV.	Ham.	Jay	Jay	Jay	Jay	Jay	Jay
LXIV.	LXV.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
LXV.	LXVI.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
LXVI.	LXVII.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
LXVII.	LXVIII.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
LXVIII.	LXIX.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
LXIX.	LXX.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.
LXX.	LXXI.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.	Ham.

Jáy

Jáy

Original Numbers.	Modern Numbers.	Gen. Hamilton in his own copy and in the Ronson manuscript.	Gen. Hamilton to Chancellor Kent.	Mr. Madison in his own copy and in Mr. Rush's copy.	Mr. Ames's manuscript notes.	Chancellor Kent's manuscript notes.	Mr. Jefferson's manuscript notes.	Mr. Jay's recollections, as far as ascertainable.
LXXI.	LXXXII.	Ham.	Ham.	Ham.		Ham.	Ham.	
LXXXII.	LXXXIII.	Ham.	Ham.	Ham.		Ham.	Ham.	
LXXXIII.	LXXXIV.	Ham.	Ham.	Ham.		Ham.	Ham.	
LXXXIV.	LXXXV.	Ham.	Ham.	Ham.		Ham.	Ham.	
LXXXV.	LXXXVI.	Ham.	Ham.	Ham.		Ham.	Ham.	
LXXXVI.	LXXXVII.	Ham.	Ham.	Ham.		Ham.	Ham.	
LXXXVII.	LXXXVIII.	Ham.	Ham.	Ham.		Ham.	Ham.	
LXXXVIII.	LXXXIX.	Ham.	Ham.	Ham.		Ham.	Ham.	
LXXXIX.	LXXX.	Ham.	Ham.	Ham.		Ham.	Ham.	
LXXX.	LXXXI.	Ham.	Ham.	Ham.		Ham.	Ham.	
LXXXI.	LXXXII.	Ham.	Ham.	Ham.		Ham.	Ham.	
LXXXII.	LXXXIII.	Ham.	Ham.	Ham.		Ham.	Ham.	
LXXXIII.	LXXXIV.	Ham.	Ham.	Ham.		Ham.	Ham.	
LXXXIV.	LXXXV.	Ham.	Ham.	Ham.		Ham.	Ham.	
LXXXV.	LXXXVI.	Ham.	Ham.	Ham.		Ham.	Ham.	





*For the Independent Journal.*

## THE FEDERALIST. No. I.

---

TO THE PEOPLE OF THE STATE OF NEW YORK:

AFTER an unequivocal experience of the inefficacy of the subsisting Fœderal Government, you are called upon to deliberate on a new Constitution for the United States of America. The subject speaks its own importance; comprehending in its consequences, nothing less than the existence of the UNION, the safety and welfare of the parts of which it is composed, the fate of an empire, in many respects, the most interesting in the world. It has been frequently remarked, that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not, of establishing good government from reflection and choice, or whether they are forever destined to depend, for their political constitutions, on accident and force. If there be any truth in the remark, the crisis, at which we are arrived, may with propriety be regarded as the æra in which that decision is to be made; and a wrong election of the part we shall act, may, in this view, deserve to be considered as the general misfortune of mankind.

This idea will add the inducements of philanthropy to those of patriotism to heighten the solicitude, which all considerate and good men must feel for the event. Happy will it be if our choice should be directed by a

judicious estimate of our true interests, unperplexed and unbiased by considerations not connected with the public good. But this is a thing more ardently to be wished, than seriously to be expected. The plan offered to our deliberations, affects too many particular interests, innovates upon too many local institutions, not to involve in its discussion a variety of objects foreign to its merits, and of views, passions and prejudices little favorable to the discovery of truth.

Among the most formidable of the obstacles which the new Constitution will have to encounter, may readily be distinguished the obvious interest of a certain class of men in every State to resist all changes which may hazard a diminution of the power, emolument and consequence of the offices they hold under the State-establishments—and the perverted ambition of another class of men, who will either hope to aggrandize themselves by the confusions of their country, or will flatter themselves with fairer prospects of elevation from the subdivision of the empire into several partial confederacies, than from its union under one Government.

It is not, however, my design to dwell upon observations of this nature. I am well aware that it would be disingenuous to resolve indiscriminately the opposition of any set of men (merely because their situations might subject them to suspicion) into interested or ambitious views: Candor will oblige us to admit, that even such men may be actuated by upright intentions; and it cannot be doubted, that much of the opposition which has made its appearance, or may hereafter make its appearance, will spring from sources, blameless at least, if not respectable; the honest errors of minds led astray by pre-conceived jealousies and fears. So numerous indeed and so powerful are the causes, which serve to give a false bias to the judgment, that we, upon many occasions, see wise and good men on the wrong as well as

on the right side of questions, of the first magnitude to society. This circumstance, if duly attended to, would furnish a lesson of moderation to those, who are ever so much persuaded of their being in the right, in any controversy. And a further reason for caution, in this respect, might be drawn from the reflection, that we are not always sure, that those who advocate the truth are influenced by purer principles than their antagonists. Ambition, avarice, personal animosity, party opposition, and many other motives, not more laudable than these, are apt to operate as well upon those who support, as upon those who oppose, the right side of a question. Were there not even these inducements to moderation, nothing could be more ill-judged than that intolerant spirit, which has, at all times, characterized political parties. For, in politics as in religion, it is equally absurd to aim at making proselytes by fire and sword. Heresies in either can rarely be cured by persecution.

And yet however just these sentiments will be allowed to be, we have already sufficient indications, that it will happen in this as in all former cases of great national discussion. A torrent of angry and malignant passions will be let loose. To judge from the conduct of the opposite parties, we shall be led to conclude, that they will mutually hope to evince the justness of their opinions, and to increase the number of their converts by the loudness of their declaimations, and the bitterness of their invectives. An enlightened zeal for the energy and efficiency of government will be stigmatized, as the offspring of a temper fond of despotic power, and hostile to the principles of liberty. An over scrupulous jealousy of danger to the rights of the people, which is more commonly the fault of the head than of the heart, will be represented as mere pretence and artifice; the stale bait for popularity at the expense of public good. It will be forgotten, on the one hand, that jealousy is

the usual concomitant of violent love, and that the noble enthusiasm of liberty is too apt to be infected with a spirit of narrow and illiberal distrust. On the other hand, it will be equally forgotten, that the vigor of Government is essential to the security of liberty; that, in the contemplation of a sound and well-informed judgment, their interest can never be separated; and that a dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people, than under the forbidding appearance of zeal for the firmness and efficiency of Government. History will teach us, that the former has been found a much more certain road to the introduction of despotism, than the latter; and that of those men who have overturned the liberties of republics the greatest number have begun their career, by paying an obsequious court to the people; commencing Demagogues, and ending Tyrants.

In the course of the preceding observations I have had an eye, my Fellow-Citizens, to putting you upon your guard against all attempts, from whatever quarter, to influence your decision in a matter of the utmost moment to your welfare by any impressions other than those which may result from the evidence of truth. You will, no doubt, at the same time, have collected from the general scope of them that they proceed from a source not unfriendly to the new Constitution. Yes, my Countrymen, I own to you, that, after having given it an attentive consideration, I am clearly of opinion, it is your interest to adopt it. I am convinced, that this is the safest course for your liberty, your dignity, and your happiness. I affect not reserves, which I do not feel. I will not amuse you with an appearance of deliberation, when I have decided. I frankly acknowledge to you my convictions, and I will freely lay before you the reasons on which they are founded. The consciousness of good intentions disdains ambiguity. I shall not

however multiply professions on this head. My motives must remain in the depository of my own breast: My arguments will be open to all, and may be judged of by all. They shall at least be offered in a spirit which will not disgrace the cause of truth.

I propose, in a series of papers, to discuss the following interesting particulars.—*The utility of the UNION to your political prosperity—The insufficiency of the present Confederation to preserve that Union—The necessity of a Government at least equally energetic with the one proposed, to the attainment of this object—The conformity of the proposed Constitution to the true principles of republican Government—Its analogy to your own state constitution—* and lastly, *The additional security, which its adoption will afford to the preservation of that species of Government, to liberty, and to property.*

In the progress of this discussion I shall endeavor to give a satisfactory answer to all the objections which shall have made their appearance, that may seem to have any claim to your attention.

It may perhaps be thought superfluous to offer arguments to prove the utility of the UNION, a point, no doubt, deeply engraved on the hearts of the great body of the people in every State, and one, which it may be imagined, has no adversaries. But the fact is, that we already hear it whispered in the private circles of those who oppose the new Constitution, that the Thirteen States are of too great extent for any general system, and that we must of necessity, resort to separate confederacies of distinct portions of the whole.\* This doctrine will, in all probability, be gradually propagated, till it has votaries enough to countenance an open avowal of it. For nothing can be more evident, to

\* The same idea, tracing the arguments to their consequences, is held out in several of the late publications against the new Constitution. — *Publius.*

those who are able to take an enlarged view of the subject, than the alternative of an adoption of the new Constitution or a dismemberment of the Union. It will, therefore, be of use to begin by examining the advantages of that Union, the certain evils, and the probable dangers, to which every State will be exposed from its dissolution. This shall accordingly constitute the subject of my next address.

PUBLIUS.

---

*For the Independent Journal.*

## THE FŒDERALIST. No. II.

---

TO THE PEOPLE OF THE STATE OF NEW YORK:

WHEN the people of America reflect that they are now called upon to decide a question, which, in its consequences, must prove one of the most important, that ever engaged their attention, the propriety of their taking a very comprehensive, as well as a very serious, view of it, will be evident.

Nothing is more certain than the indispensable necessity of Government, and it is equally undeniable, that whenever and however it is instituted, the people must cede to it some of their natural rights, in order to vest it with requisite powers. It is well worthy of consideration, therefore, whether it would conduce more to the interest of the people of America, that they should, to all general purposes, be one nation, under one Fœderal Government, or that they should divide themselves into separate confederacies, and give to the head of each, the same kind of powers which they are advised to place in one national Government.

It has until lately been a received and uncontradicted opinion, that the prosperity of the people of America depended on their continuing firmly united, and the wishes, prayers, and efforts of our best and wisest Citizens have been constantly directed to that object. But Politicians now appear, who insist that this opinion is erroneous, and that instead of looking for safety and happiness in union, we ought to seek it in a division of the States into distinct confederacies or sovereignties. However extraordinary this new doctrine may appear, it nevertheless has its advocates ; and certain characters who were much opposed to it formerly, are at present of the number. Whatever may be the arguments or inducements which have wrought this change in the sentiments and declarations of these Gentlemen, it certainly would not be wise in the people at large to adopt these new political tenets without being fully convinced that they are founded in truth and sound Policy.

It has often given me pleasure to observe, that Independent America was not composed of detached and distant territories, but that one connected, fertile, wide-spreading country was the portion of our western sons of liberty. Providence has in a particular manner blessed it with a variety of soils and productions, and watered it with innumerable streams, for the delight and accommodation of its inhabitants. A succession of navigable waters forms a kind of chain round its borders, as if to bind it together ; while the most noble rivers in the world, running at convenient distances, present them with highways for the easy communication of friendly aids, and the mutual transportation and exchange of their various commodities.

With equal pleasure I have as often taken notice, that Providence has been pleased to give this one connected country, to one united people ; a people descended from the same ancestors, speaking the same language, pro-

fessing the same religion, attached to the same principles of government, very similar in their manners and customs, and who, by their joint counsels, arms and efforts, fighting side by side throughout a long and bloody war, have nobly established their general Liberty and Independence.

This country and this people seem to have been made for each other, and it appears as if it was the design of Providence, that an inheritance so proper and convenient for a band of brethren, united to each other by the strongest ties, should never be split into a number of unsocial, jealous, and alien sovereignties.

Similar sentiments have hitherto prevailed among all orders and denominations of men among us. To all general purposes we have uniformly been one people; each individual citizen everywhere enjoying the same national rights, privileges, and protection. As a nation we have made peace and war: as a nation we have vanquished our common enemies: as a nation we have formed alliances and made treaties, and entered into various compacts and conventions with foreign States.

A strong sense of the value and blessings of Union induced the people, at a very early period, to institute a Fœderal Government to preserve and perpetuate it. They formed it almost as soon as they had a political existence; nay, at a time, when their habitations were in flames, when many of their Citizens were bleeding, and when the progress of hostility and desolation left little room for those calm and mature inquiries and reflections, which must ever precede the formation of a wise and well-balanced government for a free people. It is not to be wondered at, that a Government instituted in times so inauspicious, should on experiment be found greatly deficient and inadequate to the purpose it was intended to answer.

This intelligent people perceived and regretted these

defects. Still continuing no less attached to Union, than enchain'd of Liberty, they observed the danger, which immediately threatened the former and more remotely the latter; and being persuaded that ample security for both, could only be found in a national Government more wisely framed, they, as with one voice, convened the late Convention at Philadelphia, to take that important subject under consideration.

This Convention, composed of men who possessed the confidence of the people, and many of whom had become highly distinguished by their patriotism, virtue, and wisdom, in times which tried the minds and hearts of men, undertook the arduous task. In the mild season of peace, with minds unoccupied by other subjects, they passed many months in cool, uninterrupted, and daily consultations; and finally, without having been awed by power, or influenced by any passions except love for their Country, they presented and recommended to the people the plan produced by their joint and very unanimous councils.

Admit, for so is the fact, that this plan is only *recommended*, not imposed, yet let it be remembered, that it is neither recommended to *blind* approbation, nor to *blind* reprobation; but to that sedate and candid consideration, which the magnitude and importance of the subject demand, and which it certainly ought to receive. But this, (as was remarked in the foregoing number of this Paper,) is more to be wished than expected, that it may be so considered and examined. Experience on a former occasion teaches us not to be too sanguine in such hopes. It is not yet forgotten, that well grounded apprehensions of imminent danger induced the people of America to form the Memorable Congress of 1774. That Body recommended certain measures to their Constituents, and the event proved their wisdom; yet it is fresh in our memories how soon the Press began to

teem with Pamphlets and weekly Papers against those very measures. Not only many of the Officers of Government, who obeyed the dictates of personal interest, but others, from a mistaken estimate of consequences, or the undue influence of former attachments, or whose ambition aimed at objects which did not correspond with the public good, were indefatigable in their endeavors to persuade the people to reject the advice of that Patriotic Congress. Many indeed were deceived and deluded, but the great majority of the people reasoned and decided judiciously; and happy they are in reflecting that they did so.

They considered that the Congress was composed of many wise and experienced men. That being convened from different parts of the country, they brought with them and communicated to each other a variety of useful information. That in the course of the time they passed together in inquiring into and discussing the true interests of their country, they must have acquired very accurate knowledge on that head. That they were individually interested in the public liberty and prosperity, and therefore that it was not less their inclination than their duty, to recommend only such measures as after the most mature deliberation they really thought prudent and advisable.

These and similar considerations then induced the people to rely greatly on the judgment and integrity of the Congress; and they took their advice, notwithstanding the various arts and endeavors used to deter and dissuade them from it. But if the people at large had reason to confide in the men of that Congress, few of whom had then been fully tried or generally known, still greater reason have they now to respect the judgment and advice of the Convention, for it is well known that some of the most distinguished members of that Congress, who have been since tried and justly approved for

patriotism and abilities, and who have grown old in acquiring political information, were also members of this Convention, and carried into it their accumulated knowledge and experience.

It is worthy of remark, that not only the first, but every succeeding Congress, as well as the late Convention, have invariably joined with the people in thinking that the prosperity of America depended on its Union. To preserve and perpetuate it, was the great object of the people in forming that Convention, and it is also the great object of the plan which the Convention has advised them to adopt. With what propriety, therefore, or for what good purposes, are attempts at this particular period, made by some men, to depreciate the importance of the Union? Or why is it suggested that three or four confederacies would be better than one? I am persuaded in my own mind, that the people have always thought right on this subject, and that their universal and uniform attachment to the cause of the Union rests on great and weighty reasons, which I shall endeavor to develop and explain in some ensuing papers. They who promote the idea of substituting a number of distinct confederacies in the room of the plan of the Convention, seem clearly to foresee that the rejection of it would put the continuance of the Union in the utmost jeopardy: that certainly would be the case, and I sincerely wish that it may be as clearly foreseen by every good Citizen, that whenever the dissolution of the Union arrives, America will have reason to exclaim in the words of the Poet, "FAREWELL! A LONG FAREWELL, TO ALL MY GREATNESS."

PUBLIUS.

---

*For the Independent Journal.*

## THE FŒDERALIST. No. III.

---

TO THE PEOPLE OF THE STATE OF NEW YORK:

IT is not a new observation that the people of any country (if, like the Americans, intelligent and well-informed,) seldom adopt, and steadily persevere for many years in, an erroneous opinion respecting their interests. That consideration naturally tends to create great respect for the high opinion which the people of America have so long and uniformly entertained of the importance of their continuing firmly united under one Fœderal Government, vested with sufficient powers for all general and national purposes.

The more attentively I consider and investigate the reasons which appear to have given birth to this opinion, the more I become convinced that they are cogent and conclusive.

Among the many objects to which a wise and free people find it necessary to direct their attention, that of providing for their *safety* seems to be the first. The *safety* of the people doubtless has relation to a great variety of circumstances and considerations, and consequently affords great latitude to those who wish to define it precisely and comprehensively.

At present I mean only to consider it as it respects security for the preservation of peace and tranquillity, as well against dangers from *foreign arms and influence*, as from dangers of the *like kind* arising from domestic causes. As the former of these comes first in order, it is proper it should be the first discussed. Let us therefore proceed to examine whether the people are not right in their opinion, that a cordial Union under an

efficient national Government, affords them the best security that can be devised against *hostilities* from abroad.

The number of wars which have happened or will happen in the world, will always be found to be in proportion to the number and weight of the causes, whether *real* or *pretended*, which *provoke* or *invite* them. If this remark be just, it becomes useful to inquire, whether so many *just* causes of war are likely to be given by *United America* as by *disunited America*; for if it should turn out that United America will probably give the fewest, then it will follow, that in this respect the Union tends most to preserve the people in a state of peace with other nations.

The *just* causes of war for the most part arise either from violations of treaties, or from direct violence. America has already formed treaties with no less than six foreign nations, and all of them, except Prussia, are maritime, and therefore able to annoy and injure us: She has also extensive commerce with Portugal, Spain, and Britain, and, with respect to the two latter, has, in addition, the circumstance of neighborhood to attend to.

It is of high importance to the peace of America, that she observe the laws of nations towards all these Powers, and to me it appears evident that this will be more perfectly and punctually done by one national Government than it could be either by thirteen separate States, or by three or four distinct confederacies.

Because when once an efficient national Government is established, the best men in the country will not only consent to serve, but also will generally be appointed to manage it; for although town or country, or other contracted influence, may place men in State assemblies, or senates, or courts of justice, or executive departments; yet more general and extensive reputation for talents and other qualifications will be necessary to recommend

men to offices under the national Government,—especially, as it will have the widest field for choice, and never experience that want of proper persons which is not uncommon in some of the States. Hence it will result, that the administration, the political counsels, and the judicial decisions of the national Government, will be more wise, systematical, and judicious, than those of individual States, and consequently more satisfactory with respect to other nations, as well as more *safe* with respect to us.

Because, under the national Government, treaties and articles of treaties, as well as the laws of nations, will always be expounded in one sense, and executed in the same manner,—whereas adjudications on the same points and questions, in thirteen States, or in three or four confederacies, will not always accord or be consistent; and that, as well from the variety of independent courts and judges appointed by different and independent Governments, as from the different local laws and interests which may affect and influence them. The wisdom of the Convention, in committing such questions to the jurisdiction and judgment of courts appointed by, and responsible only to, one national Government, cannot be too much commended.

Because the prospect of present loss or advantage may often tempt the governing party in one or two States to swerve from good faith and justice; but those temptations not reaching the other States, and consequently having little or no influence on the national Government, the temptation will be fruitless, and good faith and justice be preserved. The case of the treaty of peace with Britain adds great weight to this reasoning.

Because even if the governing party in a State should be disposed to resist such temptations, yet as such temptations may, and commonly do, result from circumstances peculiar to the State, and may affect a great

number of the inhabitants, the governing party may not always be able, if willing, to prevent the injustice meditated, or to punish the aggressors. But the national Government, not being affected by those local circumstances, will neither be induced to commit the wrong themselves, nor want power or inclination to prevent, or punish its commission by others.

So far therefore as either designed or accidental violations of treaties and the laws of nations afford *just* causes of war, they are less to be apprehended under one general Government, than under several lesser ones, and in that respect, the former most favors the *safety* of the people.

As to those just causes of war which proceed from direct and unlawful violence, it appears equally clear to me, that one good national Government affords vastly more security against dangers of that sort than can be derived from any other quarter.

Because such violences are more frequently caused by the passions and interests of a part than of the whole; of one or two States than of the Union. Not a single Indian war has yet been occasioned by aggressions of the present Fœderal Government, feeble as it is; but there are several instances of Indian hostilities having been provoked by the improper conduct of individual States, who, either unable or unwilling to restrain or punish offences, have given occasion to the slaughter of many innocent inhabitants.

The neighborhood of Spanish and British territories, bordering on some States, and not on others, naturally confines the causes of quarrel more immediately to the borderers. The bordering States, if any, will be those who, under the impulse of sudden irritation, and a quick sense of apparent interest or injury, will be most likely, by direct violence, to excite war with those nations; and nothing can so effectually obviate that danger, as a na-

tional Government, whose wisdom and prudence will not be diminished by the passions which actuate the parties immediately interested.

But not only fewer just causes of war will be given by the national Government, but it will also be more in their power to accommodate and settle them amicably. They will be more temperate and cool, and in that respect, as well as in others, will be more in capacity to act advisedly than the offending State. The pride of States, as well as of men, naturally disposes them to justify all their actions, and opposes their acknowledging, correcting, or repairing their errors and offences. The national Government, in such cases, will not be affected by this pride, but will proceed with moderation and candor to consider and decide on the means most proper to extricate them from the difficulties which threaten them.

Besides it is well known that acknowledgments, explanations, and compensations are often accepted as satisfactory from a strong united nation, which would be rejected as unsatisfactory if offered by a State or Confederacy of little consideration or power.

In the year 1685, the State of Genoa having offended LOUIS XIV., endeavored to appease him. He demanded that they should send their *Doge*, or chief magistrate, accompanied by four of their Senators, to *France*, to ask his pardon and receive his terms. They were obliged to submit to it for the sake of peace. Would he on any occasion either have demanded, or have received, the like humiliation from Spain, or Britain, or any other *powerful* nation ?

PUBLIUS.

---

*For the Independent Journal.*

## THE FŒDERALIST. No. IV.

---

TO THE PEOPLE OF THE STATE OF NEW YORK:

MY last Paper assigned several reasons why the safety of the people would be best secured by Union, against the danger it may be exposed to by *just* causes of war given to other nations; and those reasons show that such causes would not only be more rarely given, but would also be more easily accommodated by a national Government, than either by the State Governments, or the proposed little Confederacies.

But the safety of the People of America against dangers from *foreign* force, depends not only on their forbearing to give *just* causes of war to other nations, but also on their placing and continuing themselves in such a situation as not to *invite* hostility or insult; for it need not be observed, that there are *pretended* as well as *just* causes of war.

It is too true, however disgraceful it may be to human nature, that nations in general will make war whenever they have a prospect of getting anything by it; nay, that absolute monarchs will often make war when their nations are to get nothing by it, but for purposes and objects merely personal, such as a thirst for military glory, revenge for personal affronts, ambition, or private compacts to aggrandize or support their particular families, or partisans. These, and a variety of motives, which affect only the mind of the Sovereign, often lead him to engage in wars not sanctified by justice, or the voice and interests of his people. But, independent of these inducements to war, which are more prevalent in

absolute monarchies, but which well deserve our attention, there are others which affect nations as often as Kings: and some of them will on examination be found to grow out of our relative situation and circumstances.

With France and with Britain, we are rivals in the fisheries, and can supply their markets cheaper than they can themselves, notwithstanding any efforts to prevent it by bounties on their own, or duties on foreign fish.

With them and with most other European nations, we are rivals in navigation and the carrying trade; and we shall deceive ourselves, if we suppose that any of them will rejoice to see it flourish: for as our carrying trade cannot increase, without in some degree diminishing theirs, it is more their interest, and will be more their policy, to restrain, than to promote it.

In the trade to China and India, we interfere with more than one nation, inasmuch as it enables us to partake in advantages which they had in a manner monopolized, and as we thereby supply ourselves with commodities which we used to purchase from them.

The extension of our own commerce in our own vessels, cannot give pleasure to any nations who possess territories on or near this Continent, because the cheapness and excellence of our productions, added to the circumstance of vicinity, and the enterprise and address of our merchants and navigators, will give us a greater share in the advantages which those territories afford, than consists with the wishes or policy of their respective Sovereigns.

Spain thinks it convenient to shut the Mississippi against us on the one side, and Britain excludes us from the Saint Lawrence on the other; nor will either of them permit the other waters, which are between them and us, to become the means of mutual intercourse and traffic.

From these and such like considerations, which might, if consistent with prudence, be more amplified and detailed, it is easy to see that jealousies and uneasinesses may gradually slide into the minds and cabinets of other nations; and that we are not to expect they should regard our advancement in union, in power and consequence by land and by sea, with an eye of indifference and composure.

The People of America are aware that inducements to war may arise out of these circumstances, as well as from others not so obvious at present; and that whenever such inducements may find fit time and opportunity for operation, pretences to color and justify them will not be wanting. Wisely therefore do they consider Union and a good national Government as necessary to put and keep them in *such a situation*, as, instead of *inviting* war, will tend to repress and discourage it. That situation consists in the best possible state of defence, and necessarily depends on the Government, the arms and the resources of the country.

As the safety of the whole is the interest of the whole, and cannot be provided for without Government, either one or more or many, let us inquire whether one good Government is not, relative to the object in question, more competent than any other given number whatever.

One Government can collect and avail itself of the talents and experience of the ablest men, in whatever part of the Union they may be found. It can move on uniform principles of policy. It can harmonize, assimilate, and protect the several parts and members, and extend the benefit of its foresight and precautions to each. In the formation of treaties it will regard the interest of the whole, and the particular interests of the parts as connected with that of the whole. It can apply the resources and power of the whole to the defence of any

particular part, and that more easily and expeditiously than State Governments, or separate confederacies can possibly do, for want of concert and unity of system. It can place the militia under one plan of discipline, and, by putting their officers in a proper line of subordination to the Chief Magistrate, will, as it were, consolidate them into one corps, and thereby render them more efficient than if divided into thirteen or into three or four distinct independent bodies.

What would the militia of Britain be, if the English militia obeyed the Government of England, if the Scotch militia obeyed the Government of Scotland, and if the Welch militia obeyed the Government of Wales? Suppose an invasion: would those three Governments (if they agreed at all) be able with all their respective forces, to operate against the enemy so effectually as the single Government of Great Britain would?

We have heard much of the fleets of Britain, and the time may come, if we are wise, when the fleets of America may engage attention. But if one national Government had not so regulated the navigation of Britain as to make it a nursery for seamen — if one national Government had not called forth all the national means and materials for forming fleets, their prowess and their thunder would never have been celebrated. Let England have its navigation and fleet — Let Scotland have its navigation and fleet — Let Wales have its navigation and fleet — Let Ireland have its navigation and fleet — Let those four of the constituent parts of the British empire be under four independent Governments, and it is easy to perceive how soon they would each dwindle into comparative insignificance.

Apply these facts to our own case. Leave America divided into thirteen, or if you please into three or four independent Governments, what armies could they raise and pay, what fleets could they ever hope to have? If

one was attacked, would the others fly to its succor, and spend their blood and money in its defence ? Would there be no danger of their being flattered into neutrality by specious promises, or seduced by a too great fondness for peace to decline hazarding their tranquillity and present safety for the sake of neighbors, of whom perhaps they have been jealous, and whose importance they are content to see diminished ? Although such conduct would not be wise, it would nevertheless be natural. The history of the States of Greece, and of other Countries, abounds with such instances ; and it is not improbable, that what has so often happened would, under similar circumstances, happen again.

But admit that they might be willing to help the invaded State or Confederacy. How, and when, and in what proportion shall aids of men and money be afforded ? Who shall command the allied armies, and from which of them shall he receive his orders ? Who shall settle the terms of peace, and in case of disputes what umpire shall decide between them, and compel acquiescence ? Various difficulties and inconveniences would be inseparable from such a situation ; whereas one Government, watching over the general and common interests, and combining and directing the powers and resources of the whole, would be free from all these embarrassments, and conduce far more to the safety of the people.

But whatever may be our situation, whether firmly united under one national Government, or split into a number of confederacies, certain it is, that foreign nations will know and view it exactly as it is ; and they will act towards us accordingly. If they see that our national Government is efficient and well administered — our trade prudently regulated — our militia properly organized and disciplined — our resources and finances discreetly managed — our credit reëstablished — our

people free, contented, and united, they will be much more disposed to cultivate our friendship than provoke our resentment. If, on the other hand, they find us either destitute of an effectual Government, (each State doing right or wrong, as to its rulers may seem convenient,) or split into three or four independent and probably discordant republics or confederacies, one inclining to Britain, another to France, and a third to Spain, and perhaps played off against each other by the three, what a poor, pitiful figure will America make in their eyes! How liable would she become not only to their contempt, but to their outrage; and how soon would dear-bought experience proclaim that when a people or family so divide, it never fails to be against themselves.

PUBLIUS.

---

*For the Independent Journal.*

## THE FœDERALIST. No. V.

---

TO THE PEOPLE OF THE STATE OF NEW YORK :

QUEEN ANNE, in her letter of the 1st July, 1706, to the Scotch Parliament, makes some observations on the importance of the *Union* then forming between England and Scotland, which merit our attention. I shall present the public with one or two extracts from it.  
“ An entire and perfect Union will be the solid foundation of lasting peace : It will secure your religion, liberty, and property, remove the animosities amongst yourselves, and the jealousies and differences betwixt our two kingdoms. It must increase your strength, riches, and trade ; and by this Union the whole Island, being joined in affection and free from all apprehen-

“sions of different interest, will be *enabled to resist all its enemies.*” “We most earnestly recommend to you “calmness and unanimity in this great and weighty “affair, that the Union may be brought to a happy con-“clusion, being the only *effectual* way to secure our “present and future happiness; and disappoint the de-“signs of our and your enemies, who will doubtless, on “this occasion, *use their utmost endeavors to prevent or delay this Union.*”

It was remarked in the preceding Paper, that weakness and divisions at home would invite dangers from abroad; and that nothing would tend more to secure us from them than Union, strength, and good Government within ourselves. This subject is copious and cannot easily be exhausted.

The history of Great Britain is the one with which we are in general the best acquainted, and it gives us many useful lessons. We may profit by their experience, without paying the price which it cost them. Although it seems obvious to common sense, that the people of such an island should be but one nation, yet we find that they were for ages divided into three, and that those three were almost constantly embroiled in quarrels and wars with one another. Notwithstanding their true interest, with respect to the continental nations, was really the same, yet by the arts and policy and practices of those nations, their mutual jealousies were perpetually kept inflamed, and for a long series of years they were far more inconvenient and troublesome, than they were useful and assisting to each other.

Should the People of America divide themselves into three or four nations, would not the same thing happen? Would not similar jealousies arise; and be in like manner cherished? Instead of their being “joined in affection, and free from all apprehension of different

"interests," envy and jealousy would soon extinguish confidence and affection, and the partial interests of each confederacy, instead of the general interests of all America, would be the only objects of their policy and pursuits. Hence, like most other *bordering* nations, they would always be either involved in disputes and war, or live in the constant apprehension of them.

The most sanguine advocates for three or four confederacies cannot reasonably suppose that they would long remain exactly on an equal footing in point of strength, even if it was possible to form them so at first: but admitting that to be practicable, yet what human contrivance can secure the continuance of such equality? Independent of those local circumstances which tend to beget and increase power in one part, and to impede its progress in another, we must advert to the effects of that superior policy and good management which would probably distinguish the Government of one above the rest, and by which their relative equality in strength and consideration, would be destroyed. For it cannot be presumed that the same degree of sound policy, prudence, and foresight, would uniformly be observed by each of these confederacies, for a long succession of years.

Whenever, and from whatever causes, it might happen, and happen it would, that any one of these nations or confederacies should rise on the scale of political importance much above the degree of her neighbors, that moment would those neighbors behold her with envy and with fear: Both those passions would lead them to countenance, if not to promote, whatever might promise to diminish her importance; and would also restrain them from measures calculated to advance, or even to secure her prosperity. Much time would not be necessary to enable her to discern these unfriendly dispositions. She would soon begin, not only to lose confidence

in her neighbors, but also to feel a disposition equally unfavorable to them : Distrust naturally creates distrust, and by nothing is good-will and kind conduct more speedily changed than by invidious jealousies and uncandid imputations, whether expressed or implied.

The North is generally the region of strength, and many local circumstances render it probable, that the most Northern of the proposed confederacies would, at a period not very distant, be unquestionably more formidable than any of the others. No sooner would this become evident, than the *Northern Hive* would excite the same ideas and sensations in the more Southern parts of America which it formerly did in the Southern parts of Europe : Nor does it appear to be a rash conjecture, that its young swarms might often be tempted to gather honey in the more blooming fields and milder air of their luxurious and more delicate neighbors.

They who well consider the history of similar divisions and confederacies, will find abundant reason to apprehend, that those in contemplation would in no other sense be neighbors than as they would be borderers ; that they would neither love nor trust one another, but on the contrary would be a prey to discord, jealousy, and mutual injuries ; in short, that they would place us exactly in the situations in which some nations doubtless wish to see us, viz. *formidable only to each other*.

From these considerations it appears that those Gentlemen are greatly mistaken who suppose that alliances offensive and defensive might be formed between these confederacies, and would produce that combination and union of wills, of arms, and of resources, which would be necessary to put and keep them in a formidable state of defence against foreign enemies.

When did the independent States, into which Britain and Spain were formerly divided, combine in such alli-

ances, or unite their forces against a foreign enemy ? The proposed confederacies will be *distinct nations*. Each of them would have its commerce with foreigners to regulate by distinct treaties ; and as their productions and commodities are different, and proper for different markets, so would those treaties be essentially different. Different commercial concerns must create different interests, and of course different degrees of political attachment to, and connection with, different foreign nations. Hence it might and probably would happen, that the foreign nation with whom the *Southern* confederacy might be at war would be the one with whom the *Northern* confederacy would be the most desirous of preserving peace and friendship. An alliance so contrary to their immediate interest would not therefore be easy to form, nor, if formed, would it be observed and fulfilled with perfect good faith.

Nay it is far more probable that in America, as in Europe, neighboring nations, acting under the impulse of opposite interests and unfriendly passions, would frequently be found taking different sides. Considering our distance from Europe, it would be more natural for these confederacies to apprehend danger from one another, than from distant nations, and therefore that each of them should be more desirous to guard against the others, by the aid of foreign alliances, than to guard against foreign dangers by alliances between themselves. And here let us not forget how much more easy it is to receive foreign fleets into our ports, and foreign armies into our country, than it is to persuade or compel them to depart. How many conquests did the Romans and others make in the characters of allies, and what innovations did they, under the same character, introduce into the Governments of those whom they pretended to protect.

Let candid men judge, then, whether the division of

America into any given number of independent sovereignties would tend to secure us against the hostilities and improper interference of foreign nations.

PUBLIUS.

---

*For the Independent Journal.*

## THE FEDERALIST. No. VI.



TO THE PEOPLE OF THE STATE OF NEW YORK:

THE three last numbers of this Paper have been dedicated to an enumeration of the dangers to which we should be exposed, in a state of disunion, from the arms and arts of foreign nations. I shall now proceed to delineate dangers of a different, and, perhaps, still more alarming kind, those which will in all probability flow from dissensions between the States themselves, and from domestic factions and convulsions. These have been already in some instances slightly anticipated; but they deserve a more particular and more full investigation.

A man must be far gone in Utopian speculations, who can seriously doubt that, if these States should either be wholly disunited, or only united in partial confederacies, the subdivisions into which they might be thrown would have frequent and violent contests with each other. To presume a want of motives for such contests, as an argument against their existence, would be to forget that men are ambitious, vindictive, and rapacious. To look for a continuation of harmony between a number of independent, unconnected sovereignties, situated in the same neighborhood, would be to disregard the uniform course of human events,

and to set at defiance the accumulated experience of ages.

The causes of hostility among nations are innumerable. There are some which have a general and almost constant operation upon the collective bodies of society. Of this description are the love of power, or the desire of preëminence and dominion — the jealousy of power, or the desire of equality and safety. There are others which have a more circumscribed, though an equally operative influence, within their spheres: Such are the rivalships and competitions of commerce between commercial nations. And there are others, not less numerous than either of the former, which take their origin entirely in private passions; in the attachments, enmities, interests, hopes, and fears of leading individuals in the communities of which they are members. Men of this class, whether the favorites of a king or of a people, have in too many instances abused the confidence they possessed; and assuming the pretext of some public motive, have not scrupled to sacrifice the national tranquillity to personal advantage, or personal gratification.

The celebrated PERICLES, in compliance with the resentment of a prostitute,\* at the expense of much of the blood and treasure of his countrymen, attacked, vanquished, and destroyed the city of the Samnians. The same man, stimulated by private pique against the Megarensians,† another nation of Greece, or to avoid a prosecution with which he was threatened as an accomplice in a supposed theft of the statuary PHIDIAS,‡ or to get rid of the accusations prepared to be brought against him for dissipating the funds of the State in the purchase of popularity,§ or from a combination of all these

\* ASPASIA, *vide* PLUTARCH'S *Life of PERICLES*. — *Publius.*

† Ibid. — *Publius.*

‡ Ibid. — *Publius.*

§ Ibid. PHIDIAS was supposed to

have stolen some public gold with the connivance of PERICLES for the embellishment of the statue of Minerva. — *Publius.*

causes, was the primitive author of that famous and fatal war, distinguished in the Grecian annals by the name of the *Peloponnesian* war; which, after various vicissitudes, intermissions, and renewals, terminated in the ruin of the Athenian commonwealth.

The ambitious Cardinal, who was Prime Minister to HENRY VIII., permitting his vanity to aspire to the Triple Crown,\* entertained hopes of succeeding in the acquisition of that splendid prize by the influence of the Emperor CHARLES V. To secure the favor and interest of this enterprising and powerful Monarch, he precipitated England into a war with France, contrary to the plainest dictates of Policy, and at the hazard of the safety and independence, as well of the Kingdom over which he presided by his counsels, as of Europe in general. For if there ever was a Sovereign who bid fair to realize the project of universal monarchy, it was the Emperor CHARLES V., of whose intrigues WOLSEY was at once the instrument and the dupe.

The influence which the bigotry of one female,† the petulance of another,‡ and the cabals of a third,§ had in the contemporary policy, ferments, and pacifications, of a considerable part of Europe, are topics that have been too often descanted upon not to be generally known.

To multiply examples of the agency of personal considerations in the production of great national events, either foreign or domestic, according to their direction, would be an unnecessary waste of time. Those who have but a superficial acquaintance with the sources from which they are to be drawn, will themselves recollect a variety of instances; and those who have a tolerable knowledge of human nature, will not stand in need of such lights, to form their opinion either of the

\* Worn by the Popes.—*Publius.* † Duchess of Marlborough.—

‡ Madame de Maintenon.—*Pub-  
lius.* § Madame de Pompadour.—*Pub-  
lius.*

reality or extent of that agency. Perhaps however a reference, tending to illustrate the general principle, may with propriety be made to a case which has lately happened among ourselves. If SHAYS had not been a *desperate debtor*, it is much to be doubted whether Massachusetts would have been plunged into a civil war.

But notwithstanding the concurring testimony of experience, in this particular, there are still to be found visionary, or designing men, who stand ready to advocate the paradox of perpetual peace between the States, though dismembered and alienated from each other. The genius of republics (say they) is pacific; the spirit of commerce has a tendency to soften the manners of men, and to extinguish those inflammable humors which have so often kindled into wars. Commercial republics, like ours, will never be disposed to waste themselves in ruinous contentions with each other. They will be governed by mutual interest, and will cultivate a spirit of mutual amity and concord.

Is it not (we may ask these projectors in politics) the true interest of all nations to cultivate the same benevolent and philosophic spirit? If this be their true interest, have they in fact pursued it? Has it not, on the contrary, invariably been found that momentary passions, and immediate interests, have a more active and imperious control over human conduct than general or remote considerations of policy, utility, or justice? Have republics in practice been less addicted to war than monarchies? Are not the former administered by *men* as well as the latter? Are there not aversions, predilections, rivalships, and desires of unjust acquisitions, that affect nations as well as kings? Are not popular assemblies frequently subject to the impulses of rage, resentment, jealousy, avarice, and of other irregular and violent propensities? Is it not well known that their determinations are often governed by a few individuals in

whom they place confidence, and are of course liable to be tinctured by the passions and views of those individuals? Has commerce hitherto done anything more than change the objects of war? Is not the love of wealth as domineering and enterprising a passion as that of power or glory? Have there not been as many wars founded upon commercial motives, since that has become the prevailing system of nations, as were before occasioned by the cupidity of territory or dominion? Has not the spirit of commerce, in many instances, administered new incentives to the appetite, both for the one and for the other? Let experience, the least fallible guide of human opinions, be appealed to for an answer to these inquiries.

Sparta, Athens, Rome, and Carthage, were all Republics; two of them, Athens and Carthage, of the commercial kind. Yet were they as often engaged in wars, offensive and defensive, as the neighboring Monarchies of the same times. Sparta was little better than a well-regulated camp; and Rome was never sated of carnage and conquest.

Carthage, though a commercial Republic, was the aggressor in the very war that ended in her destruction. HANNIBAL had carried her arms into the heart of Italy, and to the gates of Rome, before SCIPIO, in turn, gave him an overthrow in the territories of Carthage, and made a conquest of the Commonwealth.

Venice, in latter times, figured more than once in wars of ambition; till becoming an object of terror to the other Italian States, Pope JULIUS II. found means to accomplish that formidable league,\* which gave a deadly blow to the power and pride of this haughty Republic.

The Provinces of Holland, till they were overwhelmed in debts and taxes, took a leading and conspicuous part

\* The LEAGUE OF CAMBRAI, gon, and most of the Italian Princes comprehending the Emperor, the and States.—*Publius.*  
King of France, the King of Ara-

in the wars of Europe. They had furious contests with England for the dominion of the sea; and were among the most persevering and most implacable of the opponents of LOUIS XIV.

In the Government of Britain the representatives of the people compose one branch of the national legislature. Commerce has been for ages the predominant pursuit of that country. Few nations, nevertheless, have been more frequently engaged in war; and the wars in which that kingdom has been engaged have, in numerous instances, proceeded from the people.

There have been, if I may so express it, almost as many popular as royal wars. The cries of the nation and the importunities of their representatives have, upon various occasions, dragged their monarchs into war, or continued them in it, contrary to their inclinations, and, sometimes, contrary to the real interests of the State. In that memorable struggle for superiority, between the rival Houses of *Austria* and *Bourbon*, which so long kept Europe in a flame, it is well known that the antipathies of the English against the French, seconding the ambition, or rather the avarice of a favorite leader,\* protracted the war beyond the limits marked out by sound policy, and for a considerable time in opposition to the views of the Court.

The wars of these two last-mentioned nations have in a great measure grown out of commercial considerations,—the desire of supplanting, and the fear of being supplanted, either in particular branches of traffic, or in the general advantages of trade and navigation.

From this summary of what has taken place in other countries, whose situations have borne the nearest resemblance to our own, what reason can we have to confide in those reveries, which would seduce us into an expectation of peace and cordiality between the members of the present confederacy, in a state of sep-

\* The Duke of Marlborough.—*Publius.*

aration? Have we not already seen enough of the fallacy and extravagance of those idle theories which have amused us with promises of an exemption from the imperfections, weaknesses, and evils incident to society in every shape? Is it not time to awake from the deceitful dream of a golden age, and to adopt as a practical maxim for the direction of our political conduct, that we, as well as the other inhabitants of the globe, are yet remote from the happy empire of perfect wisdom and perfect virtue?

Let the point of extreme depression to which our national dignity and credit have sunk; let the inconveniences felt everywhere from a lax and ill administration of Government; let the revolt of a part of the State of North Carolina, the late menacing disturbances in Pennsylvania, and the actual insurrections and rebellions in Massachusetts, declare —!

So far is the general sense of mankind from corresponding with the tenets of those who endeavor to lull asleep our apprehensions of discord and hostility between the States, in the event of disunion, that it has from long observation of the progress of society become a sort of axiom in politics, that vicinity, or nearness of situation, constitutes nations natural enemies. An intelligent writer expresses himself on this subject to this effect: “NEIGHBORING NATIONS (says he) are naturally “ENEMIES of each other, unless their common weakness “forces them to league in a CONFEDERATIVE REPUBLIC, “and their constitution prevents the differences that “neighborhood occasions, extinguishing that secret jealousy, which disposes all States to aggrandize themselves at the expense of their neighbors.”\* This passage, at the same time, points out the EVIL and suggests the REMEDY.

PUBLIUS.

\* Vide *Principes des Négociations* par l'Abbé de Mably.—*Publius.*

*For the Independent Journal.*

## THE FŒDERALIST. No. VII.

---

TO THE PEOPLE OF THE STATE OF NEW YORK:

**I**T is sometimes asked, with an air of seeming triumph, what inducements could the States have, if disunited, to make war upon each other? It would be a full answer to this question to say — precisely the same inducements which have, at different times, deluged in blood all the nations in the world. But unfortunately for us, the question admits of a more particular answer. There are causes of differences within our immediate contemplation, of the tendency of which, even under the restraints of a Fœderal Constitution, we have had sufficient experience, to enable us to form a judgment of what might be expected, if those restraints were removed.

Territorial disputes have at all times been found one of the most fertile sources of hostility among nations. Perhaps the greatest proportion of the wars that have desolated the earth have sprung from this origin. This cause would exist, among us, in full force. We have a vast tract of unsettled territory within the boundaries of the United States. There still are discordant and undecided claims between several of them; and the dissolution of the Union would lay a foundation for similar claims between them all. It is well known, that they have heretofore had serious and animated discussions concerning the right to the lands which were ungranted at the time of the Revolution, and which usually went under the name of crown-lands. The States, within the limits of whose colonial Governments they were comprised, have claimed them as their property;

the others have contended that the rights of the crown in this article devolved upon the Union; especially as to all that part of the Western territory which, either by actual possession, or through the submission of the Indian proprietors, was subjected to the jurisdiction of the King of Great Britain, till it was relinquished in the treaty of peace. This, it has been said, was at all events an acquisition to the Confederacy by compact with a foreign power. It has been the prudent policy of Congress to appease this controversy, by prevailing upon the States to make cessions to the United States for the benefit of the whole. This has been so far accomplished, as, under a continuation of the Union, to afford a decided prospect of an amicable termination of the dispute. A dismemberment of the Confederacy, however, would revive this dispute, and would create others on the same subject. At present, a large part of the vacant Western territory is, by cession at least, if not by any anterior right, the common property of the Union. If that were at an end, the States which made the cession, on a principle of Fœderal compromise, would be apt, when the motive of the grant had ceased, to reclaim the lands as a reversion. The other States would no doubt insist on a proportion, by right of representation. Their argument would be, that a grant, once made, could not be revoked; and that the justice of their participating in territory acquired or secured by the joint efforts of the Confederacy, remained undiminished. If, contrary to probability, it should be admitted by all the States, that each had a right to a share of this common stock, there would still be a difficulty to be surmounted, as to a proper rule of apportionment. Different principles would be set up by different States for this purpose; and as they would affect the opposite interests of the parties, they might not easily be susceptible of a pacific adjustment.

In the wide field of Western territory, therefore, we perceive an ample theatre for hostile pretensions, without any umpire or common judge to interpose between the contending parties. To reason from the past to the future, we shall have good ground to apprehend, that the sword would sometimes be appealed to as the arbiter of their differences. The circumstances of the dispute between Connecticut and Pennsylvania, respecting the land at Wyoming, admonish us not to be sanguine in expecting an easy accommodation of such differences. The Articles of Confederation obliged the parties to submit the matter to the decision of a Fœderal Court. The submission was made, and the Court decided in favor of Pennsylvania. But Connecticut gave strong indications of dissatisfaction with that determination; nor did she appear to be entirely resigned to it, till, by negotiation and management, something like an equivalent was found for the loss she supposed herself to have sustained. Nothing here said is intended to convey the slightest censure on the conduct of that State. She no doubt sincerely believed herself to have been injured by the decision; and States, like individuals, acquiesce with great reluctance in determinations to their disadvantage.

Those who had an opportunity of seeing the inside of the transactions, which attended the progress of the controversy between this State and the district of Vermont, can vouch the opposition we experienced, as well from States not interested, as from those which were interested in the claim; and can attest the danger to which the peace of the Confederacy might have been exposed, had this State attempted to assert its rights by force. Two motives preponderated in that opposition: one, a jealousy entertained of our future power; and the other, the interest of certain individuals of influence in the neighboring States, who had obtained grants

of lands under the actual Government of that district. Even the States which brought forward claims, in contradiction to ours, seemed more solicitous to dismember this State, than to establish their own pretensions. These were New Hampshire, Massachusetts, and Connecticut. New Jersey and Rhode Island, upon all occasions, discovered a warm zeal for the independence of Vermont; and Maryland, till alarmed by the appearance of a connection between Canada and that place, entered deeply into the same views. These being small States, saw with an unfriendly eye the perspective of our growing greatness. In a review of these transactions we may trace some of the causes, which would be likely to embroil the States with each other, if it should be their unpropitious destiny to become disunited.

The competitions of commerce would be another fruitful source of contention. The States less favorably circumstanced would be desirous of escaping from the disadvantages of local situation, and of sharing in the advantages of their more fortunate neighbors. Each State, or separate confederacy, would pursue a system of commercial polity peculiar to itself. This would occasion distinctions, preferences, and exclusions, which would beget discontent. The habits of intercourse, on the basis of equal privileges, to which we have been accustomed from the earliest settlement of the country, would give a keener edge to those causes of discontent, than they would naturally have, independent of this circumstance. *We should be ready to denominate injuries those things which were in reality the justifiable acts of independent sovereignties consulting a distinct interest.* The spirit of enterprise, which characterizes the commercial part of America, has left no occasion of displaying itself unimproved. It is not at all probable that this unbridled spirit would pay much respect to those regulations of trade, by which particular States might endeavor to

secure exclusive benefits to their own citizens. The infractions of these regulations on one side, the efforts to prevent and repel them on the other, would naturally lead to outrages, and these to reprisals and wars.

The opportunities which some States would have of rendering others tributary to them, by commercial regulations, would be impatiently submitted to by the tributary States. The relative situation of New York, Connecticut, and New Jersey, would afford an example of this kind. New York, from the necessities of revenue, must lay duties on her importations. A great part of these duties must be paid by the inhabitants of the two other States in the capacity of consumers of what we import. New York would neither be willing, nor able to forego this advantage. Her citizens would not consent that a duty paid by them should be remitted in favor of the citizens of her neighbors; nor would it be practicable, if there were not this impediment in the way, to distinguish the customers in our own markets. Would Connecticut and New Jersey long submit to be taxed by New York for her exclusive benefit? Should we be long permitted to remain in the quiet and undisturbed enjoyment of a metropolis, from the possession of which we derived an advantage so odious to our neighbors, and, in their opinion, so oppressive? Should we be able to preserve it against the incumbent weight of Connecticut on the one side, and the coöperating pressure of New Jersey on the other? These are questions that temerity alone will answer in the affirmative.

The public debt of the Union would be a further cause of collision between the separate States or confederacies. The apportionment, in the first instance, and the progressive extinguishment, afterwards, would be alike productive of ill-humor and animosity. How would it be possible to agree upon a rule of apportionment, satisfac-

tory to all? There is scarcely any that can be proposed, which is entirely free from real objections. These, as usual, would be exaggerated by the adverse interest of the parties. There are even dissimilar views among the States, as to the general principle of discharging the public debt. Some of them, either less impressed with the importance of national credit, or because their citizens have little, if any, immediate interest in the question, feel an indifference, if not a repugnance to the payment of the domestic debt, at any rate. These would be inclined to magnify the difficulties of a distribution. Others of them, a numerous body of whose citizens are creditors to the public, beyond the proportion of the State in the total amount of the national debt, would be strenuous for some equitable and effectual provision. The procrastinations of the former would excite the resentments of the latter. The settlement of a rule would in the mean time be postponed, by real differences of opinion and affected delays. The citizens of the States interested would clamor; foreign powers would urge for the satisfaction of their just demands; and the peace of the States would be hazarded to the double contingency of external invasion and internal contention.

Suppose the difficulties of agreeing upon a rule surmounted, and the apportionment made. Still there is great room to suppose, that the rule agreed upon would, upon experiment, be found to bear harder upon some States than upon others. Those which were sufferers by it, would naturally seek for a mitigation of the burden. The others would as naturally be disinclined to a revision, which was likely to end in an increase of their own incumbrances. Their refusal would be too plausible a pretext to the complaining States to withhold their contributions, not to be embraced with avidity; and the non-compliance of these States with their

engagements would be a ground of bitter dissension and altercation. If even the rule adopted should in practice justify the equality of its principle, still delinquencies in payment, on the part of some of the States, would result from a diversity of other causes—the real deficiency of resources; the mismanagement of their finances; accidental disorders in the administration of the Government; and, in addition to the rest, the reluctance with which men commonly part with money for purposes that have outlived the exigencies which produced them, and interfere with the supply of immediate wants. Delinquencies, from whatever causes, would be productive of complaints, recriminations, and quarrels. There is perhaps nothing more likely to disturb the tranquillity of nations, than their being bound to mutual contributions for any common object which does not yield an equal and coincident benefit. For it is an observation as true, as it is trite, that there is nothing men differ so readily about as the payment of money.

Laws in violation of private contracts, as they amount to aggressions on the rights of those States whose citizens are injured by them, may be considered as another probable source of hostility. We are not authorized to expect, that a more liberal, or more equitable spirit would preside over the legislations of the individual States hereafter, if unrestrained by any additional checks, than we have heretofore seen, in too many instances, disgracing their several codes. We have observed the disposition to retaliation excited in Connecticut, in consequence of the enormities perpetrated by the legislature of Rhode Island; and we may reasonably infer, that in similar cases, under other circumstances, a war, not of *parchment*, but of the sword, would chastise such atrocious breaches of moral obligation and social justice.

The probability of incompatible alliances between the

different States, or confederacies, and different foreign nations, and the effects of this situation upon the peace of the whole, have been sufficiently unfolded in some preceding papers. From the view they have exhibited of this part of the subject, this conclusion is to be drawn, that America, if not connected at all, or only by the feeble tie of a simple league, offensive and defensive, would, by the operation of such opposite and jarring alliances, be gradually entangled in all the pernicious labyrinths of European politics and wars; and by the destructive contentions of the parts into which she was divided, would be likely to become a prey to the artifices and machinations of powers equally the enemies of them all. *Divide et impera*\* must be the motto of every nation that either hates or fears us.†

PUBLIUS.

---

[*From the New York Packet, Tuesday, November 20, 1787.*]

## THE FEDERALIST. No. VIII.

---

TO THE PEOPLE OF THE STATE OF NEW YORK :

A SSUMING it therefore as an established truth, that the several States, in case of disunion, or such combinations of them as might happen to be formed out of the wreck of the general Confederacy, would be subject to those vicissitudes of peace and war, of friendship and enmity with each other, which have fallen to the lot of all neighboring nations not united under one Govern-

\* Divide and command.—*Publius.* proposed to publish them four times a week, on Tuesday in the *New York Packet* and on Thursday in the *Daily Advertiser*.—*Publius.*

† In order that the whole subject of these Papers may be as soon as possible laid before the Public, it is

ment, let us enter into a concise detail of some of the consequences that would attend such a situation.

War between the States, in the first periods of their separate existence, would be accompanied with much greater distresses than it commonly is in those countries where regular military establishments have long obtained. The disciplined armies always kept on foot on the continent of Europe, though they bear a malignant aspect to liberty and economy, have, notwithstanding, been productive of the signal advantage of rendering sudden conquests impracticable, and of preventing that rapid desolation, which used to mark the progress of war, prior to their introduction. The art of fortification has contributed to the same ends. The nations of Europe are encircled with chains of fortified places, which mutually obstruct invasion. Campaigns are wasted in reducing two or three frontier garrisons, to gain admittance into an enemy's country. Similar impediments occur at every step, to exhaust the strength and delay the progress of an invader. Formerly, an invading army would penetrate into the heart of a neighboring country, almost as soon as intelligence of its approach could be received; but now, a comparatively small force of disciplined troops, acting on the defensive, with the aid of posts, is able to impede, and finally to frustrate, the enterprises of one much more considerable. The history of war, in that quarter of the globe, is no longer a history of nations subdued, and empires overturned; but of towns taken and retaken, of battles that decide nothing, of retreats more beneficial than victories, of much effort and little acquisition.

In this country, the scene would be altogether reversed. The jealousy of military establishments would postpone them as long as possible. The want of fortifications, leaving the frontiers of one State open to another, would facilitate inroads. The populous States

would, with little difficulty, overrun their less populous neighbors. Conquests would be as easy to be made, as difficult to be retained. War, therefore, would be desultory and predatory. PLUNDER and devastation ever march in the train of irregulars. The calamities of individuals would make the principal figure in the events which would characterize our military exploits.

This picture is not too highly wrought; though I confess, it would not long remain a just one. Safety from external danger is the most powerful director of national conduct. Even the ardent love of liberty will, after a time, give way to its dictates. The violent destruction of life and property incident to war, the continual effort and alarm attendant on a state of continual danger, will compel nations the most attached to liberty, to resort, for repose and security, to institutions which have a tendency to destroy their civil and political rights. To be more safe, they at length become willing to run the risk of being less free.

The institutions chiefly alluded to are STANDING ARMIES, and the correspondent appendages of military establishments. Standing armies, it is said, are not provided against in the new Constitution; and it is therefore inferred that they may exist under it.\* Their existence, however, from the very terms of the proposition, is, at most, problematical and uncertain. But standing armies, it may be replied, must inevitably result from a dissolution of the Confederacy. Frequent war and constant apprehension, which require a state of as constant preparation, will infallibly produce them. The weaker States or confederacies would first have

\* This objection will be fully examined in its proper place; and it will be shown that the only natural precaution which could have been taken on this subject, has been taken; and a much better one than

is to be found in any Constitution that has been heretofore framed in America, most of which contain no guard at all on this subject.—*Publius.*

recourse to them, to put themselves upon an equality with their more potent neighbors. They would endeavor to supply the inferiority of population and resources, by a more regular and effective system of defence, by disciplined troops, and by fortifications. They would, at the same time, be necessitated to strengthen the executive arm of Government; in doing which, their Constitutions would acquire a progressive direction towards monarchy. It is of the nature of war to increase the executive at the expense of the legislative authority.

The expedients which have been mentioned would soon give the States or confederacies that made use of them, a superiority over their neighbors. Small States, or States of less natural strength, under vigorous Governments, and with the assistance of disciplined armies, have often triumphed over large States, or States of greater natural strength, which have been destitute of these advantages. Neither the pride, nor the safety, of the more important States, or confederacies, would permit them long to submit to this mortifying and adventitious superiority. They would quickly resort to means similar to those by which it had been effected, to reinstate themselves in their lost preëminence. Thus we should, in a little time, see established in every part of this country the same engines of despotism which have been the scourge of the old world. This, at least, would be the natural course of things; and our reasonings will be the more likely to be just, in proportion as they are accommodated to this standard.

These are not vague inferences drawn from supposed or speculative defects in a Constitution, the whole power of which is lodged in the hands of the people, or their representatives and delegates, but they are solid conclusions, drawn from the natural and necessary progress of human affairs.

It may perhaps be asked, by way of objection to this,

why did not standing armies spring up out of the contentions which so often distracted the ancient republics of Greece? Different answers, equally satisfactory, may be given to this question. The industrious habits of the people of the present day, absorbed in the pursuits of gain, and devoted to the improvements of agriculture and commerce, are incompatible with the condition of a nation of soldiers, which was the true condition of the people of those republics. The means of revenue, which have been so greatly multiplied by the increase of gold and silver and of the arts of industry, and the science of finance, which is the offspring of modern times, concurring with the habits of nations, have produced an entire revolution in the system of war, and have rendered disciplined armies, distinct from the body of the citizens, the inseparable companion of frequent hostility.

There is a wide difference, also, between military establishments in a country seldom exposed by its situation to internal invasions, and in one which is often subject to them, and always apprehensive of them. The rulers of the former can have no good pretext, if they are even so inclined, to keep on foot armies so numerous as must of necessity be maintained in the latter. These armies being, in the first case, rarely, if at all, called into activity for interior defence, the people are in no danger of being broken to military subordination. The laws are not accustomed to relaxations, in favor of military exigencies; the civil state remains in full vigor, neither corrupted, nor confounded with the principles or propensities of the other state. The smallness of the army renders the natural strength of the community an overmatch for it; and the citizens, not habituated to look up to the military power for protection, or to submit to its oppressions, neither love nor fear the soldiery: they view them with a spirit of jealous acquiescence in a necessary evil, and stand ready to resist a power which

they suppose may be exerted to the prejudice of their rights. The army under such circumstances may usefully aid the magistrate to suppress a small faction, or an occasional mob, or insurrection; but it will be unable to enforce encroachments against the united efforts of the great body of the people.

In a country in the predicament last described, the contrary of all this happens. The perpetual menacings of danger oblige the Government to be always prepared to repel it; its armies must be numerous enough for instant defence. The continual necessity for their services enhances the importance of the soldier, and proportionably degrades the condition of the citizen. The military state becomes elevated above the civil. The inhabitants of territories, often the theatre of war, are unavoidably subjected to frequent infringements on their rights, which serve to weaken their sense of those rights; and by degrees, the people are brought to consider the soldiery not only as their protectors, but as their superiors. The transition from this disposition to that of considering them as masters, is neither remote nor difficult: but it is very difficult to prevail upon a people under such impressions, to make a bold or effectual resistance to usurpations supported by the military power.

The kingdom of Great Britain falls within the first description. An insular situation, and a powerful marine, guarding it in a great measure against the possibility of foreign invasion, supersede the necessity of a numerous army within the kingdom. A sufficient force to make head against a sudden descent, till the militia could have time to rally and embody, is all that has been deemed requisite. No motive of national policy has demanded, nor would public opinion have tolerated, a larger number of troops upon its domestic establishment. There has been, for a long time past,

little room for the operation of the other causes, which have been enumerated as the consequences of internal war. This peculiar felicity of situation has, in a great degree, contributed to preserve the liberty which that country to this day enjoys, in spite of the prevalent venality and corruption. If, on the contrary, Britain had been situated on the continent, and had been compelled, as she would have been, by that situation, to make her military establishments at home coextensive with those of the other great powers of Europe, she, like them, would in all probability be, at this day, a victim to the absolute power of a single man. 'Tis possible, though not easy, that the people of that island may be enslaved from other causes; but it cannot be by the prowess of an army so inconsiderable as that which has been usually kept up within that kingdom.

If we are wise enough to preserve the Union, we may for ages enjoy an advantage similar to that of an insulated situation. Europe is at a great distance from us. Her colonies in our vicinity will be likely to continue too much disproportioned in strength, to be able to give us any dangerous annoyance. Extensive military establishments cannot, in this position, be necessary to our security. But if we should be disunited, and the integral parts should either remain separated, or, which is most probable, should be thrown together into two or three confederacies, we should be, in a short course of time, in the predicament of the continental powers of Europe—our liberties would be a prey to the means of defending ourselves against the ambition and jealousy of each other.

This is an idea not superficial or futile, but solid and weighty. It deserves the most serious and mature consideration of every prudent and honest man, of whatever party. If such men will make a firm and solemn pause, and meditate dispassionately on the importance

of this interesting idea; if they will contemplate it, in all its attitudes, and trace it to all its consequences, they will not hesitate to part with trivial objections to a Constitution, the rejection of which would in all probability put a final period to the Union. The airy phantoms that flit before the distempered imaginations of some of its adversaries, would quickly give place to the more substantial forms of dangers, real, certain, and formidable.

PUBLIUS.

---

*For the Independent Journal.*

## THE FEDERALIST. No. IX.

---

TO THE PEOPLE OF THE STATE OF NEW YORK:

A FIRM Union will be of the utmost moment to the peace and liberty of the States, as a barrier against domestic faction and insurrection. It is impossible to read the history of the petty Republics of Greece and Italy, without feeling sensations of horror and disgust, at the distractions with which they were continually agitated, and at the rapid succession of revolutions, by which they were kept in a state of perpetual vibration, between the extremes of tyranny and anarchy. If they exhibit occasional calms, these only serve as short-lived contrasts to the furious storms, that are to succeed. If, now and then, intervals of felicity open themselves to view, we behold them with a mixture of regret, arising from the reflection, that the pleasing scenes before us are soon to be overwhelmed by the tempestuous waves of sedition and party rage. If momentary rays of glory break forth from the gloom, while they dazzle us with a

transient and fleeting brilliancy, they, at the same time, admonish us to lament, that the vices of Government should pervert the direction, and tarnish the lustre of those bright talents and exalted endowments, for which the favored soils that produced them have been so justly celebrated.

From the disorders that disfigure the annals of those Republics, the advocates of despotism have drawn arguments, not only against the forms of Republican Government, but against the very principles of civil liberty. They have decried all free Government as inconsistent with the order of society, and have indulged themselves in malicious exultation over its friends and partisans. Happily for mankind, stupendous fabrics reared on the basis of liberty, which have flourished for ages, have, in a few glorious instances, refuted their gloomy sophisms. And, I trust, America will be the broad and solid foundation of other edifices, not less magnificent, which will be equally permanent monuments of their errors.

But it is not to be denied, that the portraits they have sketched of Republican Government were too just copies of the originals from which they were taken. If it had been found impracticable to have devised models of a more perfect structure, the enlightened friends to liberty would have been obliged to abandon the cause of that species of Government as indefensible. The science of politics, however, like most other sciences, has received great improvement. The efficacy of various principles is now well understood, which were either not known at all, or imperfectly known to the ancients. The regular distribution of power into distinct departments ; the introduction of legislative balances and checks ; the institution of Courts composed of Judges holding their offices during good behavior ; the representation of the people in the Legislature, by Deputies of their own election ; these are either wholly new dis-

coveries, or have made their principal progress towards perfection in modern times. They are means, and powerful means, by which the excellences of Republican Government may be retained, and its imperfections lessened, or avoided. To this catalogue of circumstances, that tend to the amelioration of popular systems of civil Government, I shall venture, however novel it may appear to some, to add one more, on a principle which has been made the foundation of an objection to the New Constitution ; I mean the ENLARGEMENT of the ORBIT within which such systems are to revolve, either in respect to the dimensions of a single State, or to the consolidation of several smaller States into one great Confederacy. The latter is that which immediately concerns the object under consideration. It will, however, be of use to examine the principle, in its application to a single State, which shall be attended to in another place.

The utility of a Confederacy, as well to suppress faction, and to guard the internal tranquillity of States, as to increase their external force and security, is in reality not a new idea. It has been practised upon, in different countries and ages, and has received the sanction of the most approved writers on the subjects of polities. The opponents of the Plan proposed, have, with great assiduity, cited and circulated the observations of MONTESQUIEU on the necessity of a contracted territory for a Republican Government. But they seem not to have been apprised of the sentiments of that great man, expressed in another part of his work, nor to have adverted to the consequences of the principle, to which they subscribe with such ready acquiescence.

When MONTESQUIEU recommends a small extent for Republics, the standards he had in view were of dimensions far short of the limits of almost every one of these States. Neither Virginia, Massachusetts, Pennsylvania,

New-York, North Carolina, nor Georgia, can by any means be compared with the models from which he reasoned, and to which the terms of his description apply. If we therefore take his ideas on this point, as the criterion of truth, we shall be driven to the alternative, either of taking refuge at once in the arms of Monarchy, or of splitting ourselves into an infinity of little, jealous, clashing, tumultuous Commonwealths, the wretched nurseries of unceasing discord, and the miserable objects of universal pity or contempt. Some of the writers, who have come forward on the other side of the question, seem to have been aware of the dilemma; and have even been bold enough to hint at the division of the larger States, as a desirable thing. Such an infatuated policy, such a desperate expedient, might, by the multiplication of petty offices, answer the views of men, who possess not qualifications to extend their influence beyond the narrow circles of personal intrigue; but it could never promote the greatness or happiness of the people of America.

Referring the examination of the principle itself to another place, as has been already mentioned, it will be sufficient to remark here, that in the sense of the author who has been most emphatically quoted upon the occasion, it would only dictate a reduction of the SIZE of the more considerable MEMBERS of the Union; but would not militate against their being all comprehended in one Confederate Government. And this is the true question, in the discussion of which we are at present interested.

So far are the suggestions of MONTESQUIEU from standing in opposition to a general Union of the States, that he explicitly treats of a CONFEDERATE REPUBLIC as the expedient for extending the sphere of popular Government, and reconciling the advantages of monarchy with those of republicanism.

“ It is very probable,” (says he,\*) “that mankind would have been obliged, at length, to live constantly under the Government of a SINGLE PERSON, had they not contrived a kind of Constitution, that has all the internal advantages of a Republican, together with the external force of a Monarchical Government. I mean a CONFEDERATE REPUBLIC.

“ This form of Government is a Convention by which several smaller *States* agree to become members of a larger *one*, which they intend to form. It is a kind of assemblage of societies, that constitute a new one, capable of increasing by means of new associations, till they arrive to such a degree of power, as to be able to provide for the security of the united body.

“ A Republic of this kind, able to withstand an external force, may support itself without any internal corruptions. The form of this society prevents all manner of inconveniences.

“ If a single member should attempt to usurp the supreme authority, he could not be supposed to have an equal authority and credit in all the Confederate States. Were he to have too great influence over one, this would alarm the rest. Were he to subdue a part, that which would still remain free might oppose him with forces, independent of those which he had usurped, and overpower him before he could be settled in his usurpation.

“ Should a popular insurrection happen in one of the Confederate States, the others are able to quell it. Should abuses creep into one part, they are reformed by those that remain sound. The State may be destroyed on one side, and not on the other; the Confederacy may be dissolved, and the Confederates preserve their Sovereignty.

“ As this Government is composed of small Repub-

\* *Spirit of Laws*, Vol. I. Book IX. Chap. I.—*Publius*.

" lies, it enjoys the internal happiness of each ; and with  
" respect to its external situation, it is possessed, by  
" means of the Association, of all the advantages of  
" large Monarchies."

I have thought it proper to quote at length these interesting passages, because they contain a luminous abridgment of the principal arguments in favor of the Union, and must effectually remove the false impressions, which a misapplication of other parts of the work was calculated to make. They have, at the same time, an intimate connection with the more immediate design of this Paper ; which is, to illustrate the tendency of the Union to repress domestic faction and insurrection.

A distinction, more subtle than accurate, has been raised between a *Confederacy* and a *consolidation* of the States. The essential characteristic of the first is said to be, the restriction of its authority to the members in their collective capacities, without reaching to the individuals of whom they are composed. It is contended, that the National Council ought to have no concern with any object of internal administration. An exact equality of suffrage between the members has also been insisted upon as a leading feature of a Confederate Government. These positions are, in the main, arbitrary ; they are supported neither by principle nor precedent. It has indeed happened, that Governments of this kind have generally operated in the manner which the distinction, taken notice of, supposes to be inherent in their nature ; but there have been in most of them extensive exceptions to the practice, which serve to prove, as far as example will go, that there is no absolute rule on the subject. And it will be clearly shown, in the course of this investigation, that as far as the principle contended for has prevailed, it has been the cause of incurable disorder and imbecility in the Government.

The definition of a *Confederate Republic* seems sim-

ply to be, “an assemblage of Societies,” or an Association of two or more States into one State. The extent, modifications, and objects of the Fœderal authority, are mere matters of discretion. So long as the separate organization of the members be not abolished; so long as it exists, by a constitutional necessity, for local purposes; though it should be in perfect subordination to the general authority of the Union, it would still be, in fact and in theory, an Association of States, or a Confederacy. The proposed Constitution, so far from implying an abolition of the State Governments, makes them constituent parts of the National Sovereignty, by allowing them a direct representation in the Senate, and leaves in their possession certain exclusive and very important portions of Sovereign power. This fully corresponds; in every rational import of the terms, with the idea of a Federal Government.

In the Lycian Confederacy, which consisted of twenty-three CITIES, or Republics, the largest were entitled to *three* votes in the COMMON COUNCIL, those of the middle class to *two*, and the smallest to *one*. The COMMON COUNCIL had the appointment of all the Judges and Magistrates of the respective CITIES. This was certainly the most delicate species of interference in their internal administration; for if there be anything that seems exclusively appropriated to the local jurisdictions, it is the appointment of their own officers. Yet MONTESQUIEU, speaking of this Association, says, “Were I “to give a model of an excellent Confederate Republic, “it would be that of Lycia.” Thus we perceive, that the distinctions insisted upon were not within the contemplation of this enlightened civilian; and we shall be led to conclude, that they are the novel refinements of an erroneous theory.

PUBLIUS.

[From the *New York Packet*, Friday, November 23, 1787.]

THE FœDERALIST. No. X.

---

TO THE PEOPLE OF THE STATE OF NEW YORK :

A MONG the numerous advantages promised by a well-constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction. The friend of popular Governments never finds himself so much alarmed for their character and fate, as when he contemplates their propensity to this dangerous vice. He will not fail, therefore, to set a due value on any plan which, without violating the principles to which he is attached, provides a proper cure for it. The instability, injustice, and confusion introduced into the public councils, have, in truth, been the mortal diseases under which popular Governments have everywhere perished; as they continue to be the favorite and fruitful topics from which the adversaries to liberty derive their most specious declamations. The valuable improvements made by the American Constitutions on the popular models, both ancient and modern, cannot certainly be too much admired; but it would be an unwarrantable partiality, to contend that they have as effectually obviated the danger on this side, as was wished and expected. Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our Governments are too unstable; that the public good is disregarded in the conflicts of rival parties; and that measures are too often decided, not according to the rules of justice, and the rights of the minor party, but by the superior force

of an interested and overbearing majority. However anxiously we may wish that these complaints had no foundation, the evidence of known facts will not permit us to deny that they are in some degree true. It will be found, indeed, on a candid review of our situation, that some of the distresses under which we labor have been erroneously charged on the operation of our Governments ; but it will be found, at the same time, that other causes will not alone account for many of our heaviest misfortunes ; and, particularly, for that prevailing and increasing distrust of public engagements, and alarm for private rights, which are echoed from one end of the continent to the other. These must be chiefly, if not wholly, effects of the unsteadiness and injustice, with which a factious spirit has tainted our public administrations.

By a faction, I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.

There are two methods of curing the mischiefs of faction : the one, by removing its causes ; the other, by controlling its effects.

There are again two methods of removing the causes of faction : the one, by destroying the liberty which is essential to its existence ; the other, by giving to every citizen the same opinions, the same passions, and the same interests.

It could never be more truly said than of the first remedy, that it was worse than the disease. Liberty is to faction, what air is to fire, an aliment without which it instantly expires. But it could not be less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the

annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.

The second expedient is as impracticable, as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to an uniformity of interests. The protection of these faculties is the first object of Government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.

The latent causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning Government, and many other points, as well of speculation as of practice; an attachment to different leaders ambitiously contending for preëminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other, than to coöperate for their common good. So strong is this propensity of mankind to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful dis-

tinctions have been sufficient to kindle their unfriendly passions, and excite their most violent conflicts. But the most common and durable source of factions has been the various and unequal distribution of property. Those who hold, and those who are without property, have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern Legislation, and involves the spirit of party and faction in the necessary and ordinary operations of the Government.

No man is allowed to be a judge in his own cause ; because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. With equal, nay with greater reason, a body of men are unfit to be both judges and parties at the same time ; yet what are many of the most important acts of legislation, but so many judicial determinations, not indeed concerning the rights of single persons, but concerning the rights of large bodies of citizens ? and what are the different classes of Legislators, but advocates and parties to the causes which they determine ? Is a law proposed concerning private debts ? It is a question to which the creditors are parties on one side, and the debtors on the other. Justice ought to hold the balance between them. Yet the parties are, and must be, themselves the judges ; and the most numerous party, or, in other words, the most powerful faction, must be expected to prevail. Shall domestic manufactures be encouraged, and in what degree, by restrictions on foreign manufactures ? are questions which would be differently decided by the

landed and the manufacturing classes ; and probably by neither, with a sole regard to justice and the public good. The apportionment of taxes on the various descriptions of property is an act which seems to require the most exact impartiality ; yet there is, perhaps, no legislative act in which greater opportunity and temptation are given to a predominant party, to trample on the rules of justice. Every shilling, with which they overburden the inferior number, is a shilling saved to their own pockets.

It is in vain to say, that enlightened statesmen will be able to adjust these clashing interests, and render them all subservient to the public good. Enlightened statesmen will not always be at the helm : Nor, in many cases, can such an adjustment be made at all, without taking into view indirect and remote considerations, which will rarely prevail over the immediate interest which one party may find in disregarding the rights of another, or the good of the whole.

The inference to which we are brought is, that the *causes* of faction cannot be removed ; and that relief is only to be sought in the means of controlling its *effects*.

If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote. It may clog the administration, it may convulse the society ; but it will be unable to execute and mask its violence under the forms of the Constitution. When a majority is included in a faction, the form of popular Government, on the other hand, enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens. To secure the public good, and private rights, against the danger of such a faction, and at the same time to preserve the spirit and the form of popular Government, is then the great object to which

our inquiries are directed: Let me add, that it is the great desideratum, by which alone this form of Government can be rescued from the opprobrium under which it has so long labored, and be recommended to the esteem and adoption of mankind.

By what means is this object attainable? Evidently by one of two only. Either the existence of the same passion or interest in a majority, at the same time, must be prevented; or the majority, having such coexistent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression. If the impulse and the opportunity be suffered to coincide, we well know that neither moral nor religious motives can be relied on as an adequate control. They are not found to be such on the injustice and violence of individuals, and lose their efficacy in proportion to the number combined together; that is, in proportion as their efficacy becomes needful.

From this view of the subject, it may be concluded, that a pure Democracy, by which I mean a Society consisting of a small number of citizens, who assemble and administer the Government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert results from the form of Government itself; and there is nothing to check the inducements to sacrifice the weaker party, or an obnoxious individual. Hence it is, that such Democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security, or the rights of property; and have in general been as short in their lives, as they have been violent in their deaths. Theoretic politicians, who have patronized this species of Government, have erroneously supposed, that by reducing mankind to a perfect equality in their political rights, they would, at the

same time, be perfectly equalized and assimilated in their possessions, their opinions, and their passions.

A Republic, by which I mean a Government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking. Let us examine the points in which it varies from pure Democracy, and we shall comprehend both the nature of the cure, and the efficacy which it must derive from the Union.

The two great points of difference, between a Democracy and a Republic, are, first, the delegation of the Government, in the latter, to a small number of citizens elected by the rest: Secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended.

The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen, that the public voice, pronounced by the representatives of the People, will be more consonant to the public good, than if pronounced by the People themselves, convened for the purpose. On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests of the people. The question resulting is, whether small or extensive Republics are most favorable to the election of proper guardians of the public weal; and it is clearly decided in favor of the latter by two obvious considerations.

In the first place, it is to be remarked that however small the Republic may be, the Representatives must be

raised to a certain number, in order to guard against the cabals of a few; and that however large it may be, they must be limited to a certain number, in order to guard against the confusion of a multitude. Hence, the number of Representatives in the two cases not being in proportion to that of the Constituents, and being proportionally greatest in the small Republic, it follows, that if the proportion of fit characters be not less in the large than in the small Republic, the former will present a greater option, and consequently a greater probability of a fit choice.

In the next place, as each Representative will be chosen by a greater number of citizens in the large than in the small Republic, it will be more difficult for unworthy candidates to practise with success the vicious arts, by which elections are too often carried; and the suffrages of the People, being more free, will be more likely to centre in men who possess the most attractive merit, and the most diffusive and established characters.

It must be confessed, that in this, as in most other cases, there is a mean, on both sides of which inconveniences will be found to lie. By enlarging too much the number of electors, you render the representative too little acquainted with all their local circumstances and lesser interests; as by reducing it too much, you render him unduly attached to these, and too little fit to comprehend and pursue great and National objects. The Fœderal Constitution forms a happy combination in this respect; the great and aggregate interests being referred to the National, the local and particular to the State Legislatures.

The other point of difference is, the greater number of citizens and extent of territory which may be brought within the compass of Republican, than of Democratic Government; and it is this circumstance principally which renders factious combinations less to be dreaded

in the former, than in the latter. The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other. Besides other impediments, it may be remarked, that where there is a consciousness of unjust or dishonorable purposes, communication is always checked by distrust, in proportion to the number whose concurrence is necessary.

Hence, it clearly appears, that the same advantage which a Republic has over a Democracy, in controlling the effects of faction, is enjoyed by a large over a small Republic,—is enjoyed by the Union over the States composing it. Does the advantage consist in the substitution of Representatives, whose enlightened views and virtuous sentiments render them superior to local prejudices, and to schemes of injustice? It will not be denied, that the Representation of the Union will be most likely to possess these requisite endowments. Does it consist in the greater security afforded by a greater variety of parties, against the event of any one party being able to outnumber and oppress the rest? In an equal degree does the increased variety of parties, comprised within the Union, increase this security. Does it, in fine, consist in the greater obstacles opposed to the concert and accomplishment of the secret wishes

of an unjust and interested majority? Here, again, the extent of the Union gives it the most palpable advantage.

The influence of factious leaders may kindle a flame within their particular States, but will be unable to spread a general conflagration through the other States: A religious sect may degenerate into a political faction in a part of the Confederacy; but the variety of sects dispersed over the entire face of it, must secure the National Councils against any danger from that source; A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union, than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district, than an entire State.

In the extent and proper structure of the Union, therefore, we behold a Republican remedy for the diseases most incident to Republican Government. And according to the degree of pleasure and pride we feel in being Republicans, ought to be our zeal in cherishing the spirit, and supporting the character, of Fœderalists.

PUBLIUS.

---

*For the Independent Journal.*

## THE FœDERALIST. No. XI.

---

TO THE PEOPLE OF THE STATE OF NEW YORK:

**T**HE importance of the Union, in a commercial light, is one of those points, about which there is least room to entertain a difference of opinion, and which has in fact commanded the most general assent of men, who

have any acquaintance with the subject. This applies as well to our intercourse with foreign countries, as with each other.

There are appearances to authorize a supposition, that the adventurous spirit, which distinguishes the commercial character of America, has already excited uneasy sensations in several of the maritime powers of Europe. They seem to be apprehensive of our too great interference in that carrying trade which is the support of their navigation and the foundation of their naval strength. Those of them, which have colonies in America, look forward to what this country is capable of becoming, with painful solicitude. They foresee the dangers, that may threaten their American dominions from the neighborhood of States, which have all the dispositions, and would possess all the means, requisite to the creation of a powerful marine. Impressions of this kind will naturally indicate the policy of fostering divisions among us, and of depriving us, as far as possible, of an ACTIVE COMMERCE in our own bottoms. This would answer the threefold purpose of preventing our interference in their navigation, of monopolizing the profits of our trade, and of clipping the wings, by which we might soar to a dangerous greatness. Did not prudence forbid the detail, it would not be difficult to trace, by facts, the workings of this policy to the cabinets of Ministers.

If we continue united, we may counteract a policy so unfriendly to our prosperity in a variety of ways. By prohibitory regulations, extending, at the same time, throughout the States, we may oblige foreign countries to bid against each other, for the privileges of our markets. This assertion will not appear chimerical to those who are able to appreciate the importance of the markets of three millions of people—increasing in rapid progression, for the most part exclusively addicted to

agriculture, and likely from local circumstances to remain so—to any manufacturing nation; and the immense difference there would be to the trade and navigation of such a nation, between a direct communication in its own ships, and an indirect conveyance of its products and returns, to and from America, in the ships of another country. Suppose, for instance, we had a government in America, capable of excluding Great Britain (with whom we have at present no treaty of commerce) from all our ports; what would be the probable operation of this step upon her politics? Would it not enable us to negotiate, with the fairest prospect of success, for commercial privileges of the most valuable and extensive kind, in the dominions of that kingdom? When these questions have been asked, upon other occasions, they have received a plausible, but not a solid or satisfactory answer. It has been said, that prohibitions on our part would produce no change in the system of Britain; because she could prosecute her trade with us, through the medium of the Dutch, who would be her immediate customers and paymasters for those articles which were wanted for the supply of our markets. But would not her navigation be materially injured, by the loss of the important advantage of being her own carrier in that trade? Would not the principal part of its profits be intercepted by the Dutch, as a compensation for their agency and risk? Would not the mere circumstance of freight occasion a considerable deduction? Would not so circuitous an intercourse facilitate the competitions of other nations, by enhancing the price of British commodities in our markets, and by transferring to other hands the management of this interesting branch of the British commerce?

A mature consideration of the objects suggested by these questions will justify a belief, that the real disadvantages to Britain, from such a state of things, con-

spiring with the prepossessions of a great part of the nation in favor of the American trade, and with the importunities of the West India islands, would produce a relaxation in her present system, and would let us into the enjoyment of privileges in the markets of those islands and elsewhere, from which our trade would derive the most substantial benefits. Such a point gained from the British Government, and which could not be expected without an equivalent in exemptions and immunities in our markets, would be likely to have a correspondent effect on the conduct of other nations, who would not be inclined to see themselves altogether supplanted in our trade.

A further resource for influencing the conduct of European nations towards us, in this respect, would arise from the establishment of a Fœderal navy. There can be no doubt, that the continuance of the Union, under an efficient Government, would put it in our power, at a period not very distant, to create a navy, which, if it could not vie with those of the great maritime powers, would at least be of respectable weight, if thrown into the scale of either of two contending parties. This would be more peculiarly the case, in relation to operations in the West Indies. A few ships of the line, sent opportunely to the reinforcement of either side, would often be sufficient to decide the fate of a campaign, on the event of which interests of the greatest magnitude were suspended. Our position is, in this respect, a very commanding one. And if, to this consideration, we add that of the usefulness of supplies from this country, in the prosecution of military operations in the West Indies, it will readily be perceived, that a situation so favorable would enable us to bargain with great advantage for commercial privileges. A price would be set, not only upon our friendship, but upon our neutrality. By a steady adherence to the Union,

we may hope, ere long, to become the Arbiter of Europe in America; and to be able to incline the balance of European competitions in this part of the world, as our interest may dictate.

But in the reverse of this eligible situation, we shall discover, that the rivalships of the parts would make them checks upon each other and would frustrate all the tempting advantages which nature has kindly placed within our reach. In a state so insignificant, our commerce would be a prey to the wanton intermeddlings of all nations at war with each other; who, having nothing to fear from us, would, with little scruple or remorse, supply their wants by depredations on our property, as often as it fell in their way. The rights of neutrality will only be respected, when they are defended by an adequate power. A nation, despicable by its weakness, forfeits even the privilege of being neutral.

Under a vigorous National Government, the natural strength and resources of the country, directed to a common interest, would baffle all the combinations of European jealousy to restrain our growth. This situation would even take away the motive to such combinations, by inducing an impracticability of success. An active commerce, an extensive navigation, and a flourishing marine, would then be the inevitable offspring of moral and physical necessity. We might defy the little arts of little politicians to control, or vary, the irresistible and unchangeable course of nature.

But in a state of disunion, these combinations might exist and might operate with success. It would be in the power of the maritime nations, availing themselves of our universal impotence, to prescribe the conditions of our political existence; and as they have a common interest in being our carriers, and still more in preventing our becoming theirs, they would, in all probability, combine to embarrass our navigation in such a manner

as would in effect destroy it, and confine us to a **PASSIVE COMMERCE**. We should thus be compelled to content ourselves with the first price of our commodities, and to see the profits of our trade snatched from us, to enrich our enemies and persecutors. That unequalled spirit of enterprise, which signalizes the genius of the American Merchants and Navigators, and which is in itself an inexhaustible mine of National wealth, would be stifled and lost ; and poverty and disgrace would overspread a country, which, with wisdom, might make herself the admiration and envy of the world.

There are rights of great moment to the trade of America, which are rights of the Union — I allude to the fisheries, to the navigation of the Western lakes, and to that of the Mississippi. The dissolution of the Confederacy would give room for delicate questions, concerning the future existence of these rights ; which the interest of more powerful partners would hardly fail to solve to our disadvantage. The disposition of Spain, with regard to the Mississippi, needs no comment. France and Britain are concerned with us in the fisheries ; and view them as of the utmost moment to their navigation. They, of course, would hardly remain long indifferent to that decided mastery, of which experience has shown us to be possessed, in this valuable branch of traffic ; and by which we are able to undersell those nations in their own markets. What more natural than that they should be disposed to exclude from the lists such dangerous competitors ?

This branch of trade ought not to be considered as a partial benefit. All the navigating States may, in different degrees, advantageously participate in it, and under circumstances of a greater extension of mercantile capital would not be unlikely to do it. As a nursery of seamen, it now is, or, when time shall have more nearly assimilated the principles of navigation in the several

States, will become an universal resource. To the establishment of a navy, it must be indispensable.

To this great National object, a NAVY, Union will contribute in various ways. Every institution will grow and flourish in proportion to the quantity and extent of the means concentrated towards its formation and support. A navy of the United States, as it would embrace the resources of all, is an object far less remote than a navy of any single State, or partial Confederacy, which would only embrace the resources of a part. It happens, indeed, that different portions of confederated America possess each some peculiar advantage for this essential establishment. The more Southern States furnish, in greater abundance, certain kinds of naval stores—tar, pitch, and turpentine. Their wood, for the construction of ships, is also of a more solid and lasting texture. The difference in the duration of the ships of which the navy might be composed, if chiefly constructed of Southern wood, would be of signal importance, either in the view of naval strength, or of National economy. Some of the Southern and of the Middle States yield a greater plenty of iron, and of better quality. Seamen must chiefly be drawn from the Northern hive. The necessity of naval protection to external or maritime commerce, does not require a particular elucidation, no more than the conduciveness of that species of commerce to the prosperity of a navy. They, by a kind of reaction, mutually beneficial, promote each other.

An unrestrained intercourse between the States themselves will advance the trade of each, by an interchange of their respective productions, not only for the supply of reciprocal wants at home, but for exportation to foreign markets. The veins of commerce in every part will be replenished, and will acquire additional motion and vigor from a free circulation of the commodities of every part. Commercial enterprise will have much greater

scope, from the diversity in the productions of different States. When the staple of one fails, from a bad harvest or unproductive crop, it can call to its aid the staple of another. The variety, not less than the value of products for exportation, contributes to the activity of foreign commerce. It can be conducted upon much better terms, with a large number of materials of a given value, than with a small number of materials of the same value; arising from the competitions of trade, and from the fluctuations of markets. Particular articles may be in great demand, at certain periods, and unsalable at others; but if there be a variety of articles, it can scarcely happen, that they should all be at one time in the latter predicament; and on this account, the operations of the merchant would be less liable to any considerable obstruction, or stagnation. The speculative trader will at once perceive the force of these observations; and will acknowledge, that the aggregate balance of the commerce of the United States would bid fair to be much more favorable than that of the thirteen States, without union, or with partial unions.

It may perhaps be replied to this, that whether the States are united, or disunited, there would still be an intimate intercourse between them, which would answer the same ends: But this intercourse would be fettered, interrupted, and narrowed, by a multiplicity of causes; which in the course of these Papers have been amply detailed. An unity of commercial, as well as political, interests, can only result from an unity of Government.

There are other points of view, in which this subject might be placed, of a striking and animating kind. But they would lead us too far into the regions of futurity, and would involve topics not proper for a Newspaper discussion.— I shall briefly observe, that our situation invites, and our interests prompt us, to aim at an ascendant in the system of American affairs. The world may

politically, as well as geographically, be divided into four parts, each having a distinct set of interests. Unhappily for the other three, Europe, by her arms and by her negotiations, by force and by fraud, has, in different degrees, extended her dominion over them all. Africa, Asia, and America, have successively felt her domination. The superiority she has long maintained has tempted her to plume herself as the Mistress of the World, and to consider the rest of mankind as created for her benefit. Men, admired as profound philosophers, have, in direct terms, attributed to her inhabitants a physical superiority ; and have gravely asserted, that all animals, and with them the human species, degenerate in America — that even dogs cease to bark, after having breathed awhile in our atmosphere.\* Facts have too long supported these arrogant pretensions of the European : It belongs to us to vindicate the honor of the human race, and to teach that assuming brother, moderation. Union will enable us to do it. Disunion will add another victim to his triumphs. Let Americans disdain to be the instruments of European greatness ! Let the thirteen States, bound together in a strict and indissoluble Union, concur in erecting one great American system, superior to the control of all transatlantic force or influence, and able to dictate the terms of the connection between the old and the new world !

PUBLIUS.

\* *Recherches philosophiques sur les Américains. — Publius.*

[*From the New York Packet, Tuesday, November 27, 1787.*]

## THE FEDERALIST. No. XII.

---

TO THE PEOPLE OF THE STATE OF NEW YORK :

**T**HE effects of Union upon the commercial prosperity of the States have been sufficiently delineated. Its tendency to promote the interests of revenue will be the subject of our present inquiry.

The prosperity of commerce is now perceived and acknowledged, by all enlightened statesmen, to be the most useful, as well as the most productive source of National wealth; and has accordingly become a primary object of their political cares. By multiplying the means of gratification, by promoting the introduction and circulation of the precious metals, those darling objects of human avarice and enterprise, it serves to vivify and invigorate the channels of industry, and to make them flow with greater activity and copiousness. The assiduous merchant, the laborious husbandman, the active mechanic, and the industrious manufacturer, all orders of men, look forward with eager expectation, and growing alacrity, to this pleasing reward of their toils. The often agitated question between agriculture and commerce, has, from indubitable experience, received a decision, which has silenced the rivalships that once subsisted between them, and has proved, to the satisfaction of their friends, that their interests are intimately blended and interwoven. It has been found, in various countries, that in proportion as commerce has flourished, land has risen in value. And how could it have happened otherwise? Could that which procures a freer vent for the products of the

earth ; which furnishes new incitements to the cultivators of land ; which is the most powerful instrument in increasing the quantity of money in a State — could that, in fine, which is the faithful handmaid of labor and industry, in every shape, fail to augment the value of that article, which is the prolific parent of far the greatest part of the objects upon which they are exerted ? It is astonishing, that so simple a truth should ever have had an adversary ; and it is one, among a multitude of proofs, how apt a spirit of ill-informed jealousy, or of too great abstraction and refinement, is to lead men astray from the plainest paths of reason and conviction.

The ability of a country to pay taxes must always be proportioned, in a great degree, to the quantity of money in circulation, and to the celerity with which it circulates. Commerce, contributing to both these objects, must of necessity render the payment of taxes easier, and facilitate the requisite supplies to the treasury. The hereditary dominions of the Emperor of Germany contain a great extent of fertile, cultivated, and populous territory, a large proportion of which is situated in mild and luxuriant climates. In some parts of this territory are to be found the best gold and silver mines in Europe. And yet, from the want of the fostering influence of commerce, that monarch can boast but slender revenues. He has several times been compelled to owe obligations to the pecuniary succors of other nations, for the preservation of his essential interests ; and is unable, upon the strength of his own resources, to sustain a long or continued war.

But it is not in this aspect of the subject alone, that Union will be seen to conduce to the purposes of revenue. There are other points of view, in which its influence will appear more immediate and decisive. It is evident from the state of the country, from the habits of the people, from the experience we have had on the

point itself, that it is impracticable to raise any very considerable sums by direct taxation. Tax laws have in vain been multiplied; new methods to enforce the collection have in vain been tried; the public expectation has been uniformly disappointed, and the treasuries of the States have remained empty. The popular system of administration, inherent in the nature of popular Government, coinciding with the real scarcity of money, incident to a languid and mutilated state of trade, has hitherto defeated every experiment for extensive collections, and has at length taught the different Legislatures the folly of attempting them.

No person, acquainted with what happens in other countries, will be surprised at this circumstance. In so opulent a nation as that of Britain, where direct taxes, from superior wealth, must be much more tolerable, and, from the vigor of the Government, much more practicable, than in America, far the greatest part of the National revenue is derived from taxes of the indirect kind, from imposts, and from excises. Duties on imported articles form a large branch of this latter description.

In America, it is evident that we must a long time depend, for the means of revenue, chiefly on such duties. In most parts of it, excises must be confined within a narrow compass. The genius of the people will ill brook the inquisitive and peremptory spirit of excise laws. The pockets of the farmers, on the other hand, will reluctantly yield but scanty supplies, in the unwelcome shape of impositions on their houses and lands; and personal property is too precarious and invisible a fund to be laid hold of in any other way, than by the imperceptible agency of taxes on consumption.

If these remarks have any foundation, that state of things which will best enable us to improve and extend so valuable a resource must be best adapted to our political welfare. And it cannot admit of a serious

doubt, that this state of things must rest on the basis of a general Union. As far as this would be conducive to the interests of commerce, so far it must tend to the extension of the revenue to be drawn from that source. As far as it would contribute to rendering regulations for the collection of the duties more simple and efficacious, so far it must serve to answer the purposes of making the same rate of duties more productive, and of putting it into the power of the Government to increase the rate without prejudice to trade.

The relative situation of these States; the number of rivers with which they are intersected, and of bays that wash their shores; the facility of communication in every direction; the affinity of language and manners; the familiar habits of intercourse; all these are circumstances that would conspire to render an illicit trade between them a matter of little difficulty; and would insure frequent evasions of the commercial regulations of each other. The separate States, or Confederacies, would be necessitated by mutual jealousy to avoid the temptations to that kind of trade, by the lowness of their duties. The temper of our Governments, for a long time to come, would not permit those rigorous precautions, by which the European nations guard the avenues into their respective countries, as well by land as by water; and which, even there, are found insufficient obstacles to the adventurous stratagems of avarice.

In France, there is an army of patrols (as they are called) constantly employed to secure their fiscal regulations against the inroads of the dealers in contraband trade. Mr. NECKAR computes the number of these patrols at upwards of twenty thousand. This shows the immense difficulty in preventing that species of traffic, where there is an inland communication, and places in a strong light the disadvantages, with which the collection of duties in this country would be encumbered, if

by disunion the States should be placed in a situation, with respect to each other, resembling that of France with respect to her neighbors. The arbitrary and vexatious powers with which the patrols are necessarily armed, would be intolerable in a free country.

If, on the contrary, there be but one Government pervading all the States, there will be, as to the principal part of our commerce, but ONE SIDE to guard—the ATLANTIC COAST. Vessels arriving directly from foreign countries, laden with valuable cargoes, would rarely choose to hazard themselves to the complicated and critical perils which would attend attempts to unlade prior to their coming into port. They would have to dread both the dangers of the coast, and of detection, as well after as before their arrival at the places of their final destination. An ordinary degree of vigilance would be competent to the prevention of any material infractions upon the rights of the revenue. A few armed vessels, judiciously stationed at the entrances of our ports, might at a small expense be made useful sentinels of the laws. And the Government having the same interest to provide against violations everywhere, the coöperation of its measures in each State, would have a powerful tendency to render them effectual. Here also we should preserve, by Union, an advantage which nature holds out to us, and which would be relinquished by separation. The United States lie at a great distance from Europe, and at a considerable distance from all other places with which they would have extensive connections of foreign trade. The passage from them to us, in a few hours, or in a single night, as between the coasts of France and Britain, and of other neighboring nations, would be impracticable. This is a prodigious security against a direct contraband with foreign countries; but a circuitous contraband to one State, through the medium of another, would be both

easy and safe. The difference between a direct importation from abroad, and an indirect importation through the channel of a neighboring State, in small parcels, according to time and opportunity, with the additional facilities of inland communication, must be palpable to every man of discernment.

It is, therefore, evident, that one National Government would be able, at much less expense, to extend the duties on imports, beyond comparison, further than would be practicable to the States separately, or to any partial Confederacies. Hitherto, I believe, it may safely be asserted, that these duties have not upon an average exceeded in any State three per cent. In France they are estimated to be about fifteen per cent., and in Britain they exceed this proportion.\* There seems to be nothing to hinder their being increased in this country, to at least treble their present amount. The single article of ardent spirits, under Fœderal regulation, might be made to furnish a considerable revenue. Upon a ratio to the importation into this State, the whole quantity imported into the United States may be estimated at four millions of gallons; which, at a shilling per gallon, would produce two hundred thousand pounds. That article would well bear this rate of duty; and if it should tend to diminish the consumption of it, such an effect would be equally favorable to the agriculture, to the economy, to the morals, and to the health of the society. There is, perhaps, nothing so much a subject of National extravagance as these spirits.

What will be the consequence, if we are not able to avail ourselves of the resource in question in its full extent? A nation cannot long exist without revenues. Destitute of this essential support, it must resign its independence, and sink into the degraded condition of a province. This is an extremity to which no Government

\* If my memory be right they amount to twenty per cent. — *Publius.*

will of choice accede. Revenue, therefore, must be had at all events. In this country, if the principal part be not drawn from commerce, it must fall with oppressive weight upon land. It has been already intimated that excises, in their true signification, are too little in unison with the feelings of the people, to admit of great use being made of that mode of taxation; nor, indeed, in the States where almost the sole employment is agriculture, are the objects, proper for excise, sufficiently numerous to permit very ample collections in that way. Personal estate, (as has been before remarked,) from the difficulty of tracing it, cannot be subjected to large contributions, by any other means than by taxes on consumption. In popular cities, it may be enough the subject of conjecture, to occasion the oppression of individuals, without much aggregate benefit to the State; but beyond these circles, it must, in a great measure, escape the eye and the hand of the tax-gatherer. As the necessities of the State, nevertheless, must be satisfied in some mode or other, the defect of other resources must throw the principal weight of the public burdens on the possessors of land. And as, on the other hand, the wants of the Government can never obtain an adequate supply, unless all the sources of revenue are open to its demands, the finances of the community, under such embarrassments, cannot be put into a situation consistent with its respectability or its security. Thus we shall not even have the consolations of a full treasury, to atone for the oppression of that valuable class of the citizens, who are employed in the cultivation of the soil. But public and private distress will keep pace with each other in gloomy concert; and unite in deploring the infatuation of those counsels which led to disunion.

PUBLIUS.

*For the Independent Journal.*

## THE FEDERALIST. No. XIII.

---

TO THE PEOPLE OF THE STATE OF NEW YORK:

**A**S connected with the subject of revenue, we may with propriety consider that of economy. The money saved from one object may be usefully applied to another; and there will be so much the less to be drawn from the pockets of the people. If the States are united under one Government, there will be but one National civil list to support: if they are divided into several Confederacies, there will be as many different National civil lists to be provided for; and each of them, as to the principal departments, coextensive with that which would be necessary for a Government of the whole. The entire separation of the States into thirteen unconnected sovereignties is a project too extravagant, and too replete with danger, to have many advocates. The ideas of men who speculate upon the dismemberment of the empire, seem generally turned towards three Confederacies; one consisting of the four Northern, another of the four Middle, and a third of the five Southern States. There is little probability that there would be a greater number. According to this distribution, each Confederacy would comprise an extent of territory larger than that of the kingdom of Great Britain. No well-informed man will suppose that the affairs of such a Confederacy can be properly regulated by a Government less comprehensive in its organs or institutions than that which has been proposed by the Convention. When the dimensions of a State attain to a certain magnitude, it requires the same energy

of Government, and the same forms of administration, which are requisite in one of much greater extent. This idea admits not of precise demonstration, because there is no rule by which we can measure the momentum of civil power, necessary to the government of any given number of individuals; but when we consider that the island of Britain, nearly commensurate with each of the supposed Confederacies, contains about eight millions of people, and when we reflect upon the degree of authority required to direct the passions of so large a society to the public good, we shall see no reason to doubt, that the like portion of power would be sufficient to perform the same task in a society far more numerous. Civil power, properly organized and exerted, is capable of diffusing its force to a very great extent; and can, in a manner, reproduce itself in every part of a great empire, by a judicious arrangement of subordinate institutions.

The supposition, that each Confederacy into which the States would be likely to be divided would require a Government not less comprehensive than the one proposed, will be strengthened by another supposition, more probable than that which presents us with three Confederacies, as the alternative to a general Union. If we attend carefully to geographical and commercial considerations, in conjunction with the habits and prejudices of the different States, we shall be led to conclude, that in case of disunion, they will most naturally league themselves under two Governments. The four Eastern States, from all the causes that form the links of National sympathy and connection, may with certainty be expected to unite. New York, situated as she is, would never be unwise enough to oppose a feeble and unsupported flank to the weight of that Confederacy. There are obvious reasons, that would facilitate her accession to it. New Jersey is too small a State to think of being a frontier, in opposition to this still more power-

ful combination; nor do there appear to be any obstacles to her admission into it. Even Pennsylvania would have strong inducements to join the Northern league. An active foreign commerce, on the basis of her own navigation, is her true policy, and coincides with the opinions and dispositions of her citizens. The more Southern States, from various circumstances, may not think themselves much interested in the encouragement of navigation. They may prefer a system, which would give unlimited scope to all nations, to be the carriers, as well as the purchasers, of their commodities. Pennsylvania may not choose to confound her interests in a connection so adverse to her policy. As she must, at all events, be a frontier, she may deem it most consistent with her safety, to have her exposed side turned towards the weaker power of the Southern, rather than towards the stronger power of the Northern Confederacy. This would give her the fairest chance to avoid being the FLANDERS of America. Whatever may be the determination of Pennsylvania, if the Northern Confederacy includes New Jersey, there is no likelihood of more than one Confederacy to the south of that State.

Nothing can be more evident than that the thirteen States will be able to support a National Government, better than one half, or one third, or any number less than the whole. This reflection must have great weight in obviating that objection to the proposed plan, which is founded on the principle of expense; an objection, however, which, when we come to take a nearer view of it, will appear in every light to stand on mistaken ground.

If, in addition to the consideration of a plurality of civil lists, we take into view the number of persons who must necessarily be employed to guard the inland communication between the different Confederacies against illicit trade, and who in time will infallibly spring up

out of the necessities of revenue; and if we also take into view the military establishments which it has been shown would unavoidably result from the jealousies and conflicts of the several nations into which the States would be divided, we shall clearly discover that a separation would be not less injurious to the economy, than to the tranquillity, commerce, revenue, and liberty of every part.

PUBLIUS.

---

[*From the New York Packet, Friday, November 30, 1787.*]

## THE FEDERALIST. No. XIV.

---

TO THE PEOPLE OF THE STATE OF NEW YORK:

WE have seen the necessity of the Union, as our bulwark against foreign danger, as the conservator of peace among ourselves, as the guardian of our commerce and other common interests, as the only substitute for those military establishments which have subverted the liberties of the old world, and as the proper antidote for the diseases of faction, which have proved fatal to other popular Governments, and of which alarming symptoms have been betrayed by our own. All that remains, within this branch of our inquiries, is to take notice of an objection, that may be drawn from the great extent of country which the Union embraces. A few observations on this subject will be the more proper, as it is perceived that the adversaries of the New Constitution are availing themselves of a prevailing prejudice, with regard to the practicable sphere of republican administration, in order to supply, by imaginary diffi-

culties, the want of those solid objections, which they endeavor in vain to find.

The error which limits Republican Government to a narrow district has been unfolded and refuted in preceding papers. I remark here only, that it seems to owe its rise and prevalence chiefly to the confounding of a republic with a democracy; and applying to the former, reasonings drawn from the nature of the latter. The true distinction between these forms was also adverted to on a former occasion. It is, that in a democracy, the people meet and exercise the Government in person; in a republic, they assemble and administer it by their representatives and agents. A democracy, consequently, will be confined to a small spot. A republic may be extended over a large region.

To this accidental source of the error may be added the artifice of some celebrated authors, whose writings have had a great share in forming the modern standard of political opinions. Being subjects either of an absolute or limited monarchy, they have endeavored to heighten the advantages, or palliate the evils, of those forms, by placing in comparison with them, the vices and defects of the republican, and by citing as specimens of the latter, the turbulent democracies of ancient Greece and modern Italy. Under the confusion of names, it has been an easy task to transfer to a republic, observations applicable to a democracy only; and among others, the observation that it can never be established but among a small number of people, living within a small compass of territory.

Such a fallacy may have been the less perceived, as most of the popular Governments of antiquity were of the democratic species; and even in modern Europe, to which we owe the great principle of representation, no example is seen of a Government wholly popular, and founded, at the same time, wholly on that principle. If

Europe has the merit of discovering this great mechanical power in Government, by the simple agency of which, the will of the largest political body may be concentrated, and its force directed to any object which the public good requires, America can claim the merit of making the discovery the basis of unmixed and extensive republics. It is only to be lamented, that any of her citizens should wish to deprive her of the additional merit of displaying its full efficacy in the establishment of the comprehensive system now under her consideration.

As the natural limit of a democracy is that distance from the central point which will just permit the most remote citizens to assemble as often as their public functions demand, and will include no greater number than can join in those functions; so the natural limit of a republic is that distance from the centre which will barely allow the representatives of the people to meet as often as may be necessary for the administration of public affairs. Can it be said, that the limits of the United States exceed this distance? It will not be said by those who recollect that the Atlantic coast is the longest side of the Union; that during the term of thirteen years, the representatives of the States have been almost continually assembled; and that the members from the most distant States are not chargeable with greater intermissions of attendance, than those from the States in the neighborhood of Congress.

That we may form a juster estimate with regard to this interesting subject, let us resort to the actual dimensions of the Union. The limits, as fixed by the treaty of peace, are, on the east the Atlantic, on the south the latitude of thirty-one degrees, on the west the Mississippi, and on the north an irregular line running in some instances beyond the forty-fifth degree, in others falling as low as the forty-second. The southern shore of Lake

Erie lies below that latitude. Computing the distance between the thirty-first and forty-fifth degrees, it amounts to nine hundred and seventy-three common miles; computing it from thirty-one to forty-two degrees, to seven hundred sixty-four miles and a half. Taking the mean for the distance, the amount will be eight hundred sixty-eight miles and three fourths. The mean distance from the Atlantic to the Mississippi does not probably exceed seven hundred and fifty miles. On a comparison of this extent with that of several countries in Europe, the practicability of rendering our system commensurate to it appears to be demonstrable. It is not a great deal larger than Germany, where a Diet, representing the whole empire, is continually assembled; or than Poland before the late dismemberment, where another National Diet was the depositary of the supreme power. Passing by France and Spain, we find that in Great Britain, inferior as it may be in size, the representatives of the northern extremity of the island have as far to travel to the National Council, as will be required of those of the most remote parts of the Union.

Favorable as this view of the subject may be, some observations remain, which will place it in a light still more satisfactory.

In the first place it is to be remembered, that the general Government is not to be charged with the whole power of making and administering laws. Its jurisdiction is limited to certain enumerated objects, which concern all the members of the republic, but which are not to be attained by the separate provisions of any. The subordinate Governments, which can extend their care to all those other objects which can be separately provided for, will retain their due authority and activity. Were it proposed by the plan of the Convention to abolish the Governments of the particular States, its adversaries would have some ground for their objection; though it

would not be difficult to show, that if they were abolished, the General Government would be compelled, by the principle of self-preservation, to reinstate them in their proper jurisdiction.

A second observation to be made is, that the immediate objects of the Fœderal Constitution is to secure the union of the Thirteen Primitive States, which we know to be practicable; and to add to them such other States as may arise in their own bosoms, or in their neighborhoods, which we cannot doubt to be equally practicable. The arrangements that may be necessary for those angles and fractions of our territory which lie on our north-western frontier, must be left to those whom further discoveries and experience will render more equal to the task.

Let it be remarked, in the third place, that the intercourse throughout the Union will be daily facilitated by new improvements. Roads will everywhere be shortened, and kept in better order; accommodations for travellers will be multiplied and meliorated; an interior navigation on our eastern side will be opened throughout, or nearly throughout, the whole extent of the Thirteen States. The communication between the western and Atlantic districts, and between different parts of each, will be rendered more and more easy, by those numerous canals with which the beneficence of nature has intersected our country, and which art finds it so little difficult to connect and complete.

A fourth, and still more important consideration, is, that as almost every State will, on one side or other, be a frontier, and will thus find, in a regard to its safety, an inducement to make some sacrifices for the sake of the general protection; so the States which lie at the greatest distance from the heart of the Union, and which of course may partake least of the ordinary circulation of its benefits, will be at the same time immediately

contiguous to foreign nations, and will consequently stand, on particular occasions, in greatest need of its strength and resources. It may be inconvenient for Georgia, or the States forming our western or north-eastern borders, to send their representatives to the seat of Government; but they would find it more so to struggle alone against an invading enemy, or even to support alone the whole expense of those precautions which may be dictated by the neighborhood of continual danger. If they should derive less benefit, therefore, from the Union in some respects, than the less distant States, they will derive greater benefit from it in other respects, and thus the proper equilibrium will be maintained throughout.

I submit to you, my Fellow-Citizens, these considerations, in full confidence that the good sense which has so often marked your decisions will allow them their due weight and effect; and that you will never suffer difficulties, however formidable in appearance, or however fashionable the error on which they may be founded, to drive you into the gloomy and perilous scene into which the advocates for disunion would conduct you. Hearken not to the unnatural voice, which tells you that the People of America, knit together as they are by so many cords of affection, can no longer live together as members of the same family; can no longer continue the mutual guardians of their mutual happiness; can no longer be fellow-citizens of one great, respectable, and flourishing empire. Hearken not to the voice which petulantly tells you, that the form of Government recommended for your adoption is a novelty in the political world; that it has never yet had a place in the theories of the wildest projectors; that it rashly attempts what it is impossible to accomplish. No, my Countrymen, shut your ears against this unhallowed language. Shut your hearts against the poison which it conveys; the

kindred blood which flows in the veins of American citizens, the mingled blood which they have shed in defence of their sacred rights, consecrate their Union, and excite horror at the idea of their becoming aliens, rivals, enemies. And if novelties are to be shunned, believe me, the most alarming of all novelties, the most wild of all projects, the most rash of all attempts, is that of rending us in pieces, in order to preserve our liberties, and promote our happiness. But why is the experiment of an extended republic to be rejected, merely because it may comprise what is new? Is it not the glory of the People of America, that whilst they have paid a decent regard to the opinions of former times and other nations, they have not suffered a blind veneration for antiquity, for custom, or for names, to overrule the suggestions of their own good sense, the knowledge of their own situation, and the lessons of their own experience? To this manly spirit, posterity will be indebted for the possession, and the world for the example, of the numerous innovations displayed on the American theatre, in favor of private rights and public happiness. Had no important step been taken by the leaders of the Revolution for which a precedent could not be discovered, no Government established of which an exact model did not present itself, the People of the United States might, at this moment, have been numbered among the melancholy victims of misguided councils, must at best have been laboring under the weight of some of those forms which have crushed the liberties of the rest of mankind. Happily for America, happily we trust for the whole human race, they pursued a new and more noble course. They accomplished a revolution which has no parallel in the annals of human society. They reared the fabrics of Governments which have no model on the face of the globe. They formed the design of a great Confederacy, which it is incumbent on their successors to improve

and perpetuate. If their works betray imperfections, we wonder at the fewness of them. If they erred most in the structure of the Union, this was the work most difficult to be executed; this is the work which has been new modelled by the act of your Convention, and it is that act on which you are now to deliberate and to decide.

PUBLIUS.

---

*For the Independent Journal.*

## THE FŒDERALIST. No. XV.

---

TO THE PEOPLE OF THE STATE OF NEW YORK:

**I**N the course of the preceding papers, I have endeavored, my Fellow-Citizens, to place before you, in a clear and convincing light, the importance of Union to your political safety and happiness. I have unfolded to you a complication of dangers to which you would be exposed, should you permit that sacred knot which binds the people of America together to be severed or dissolved by ambition or by avarice, by jealousy or by misrepresentation. In the sequel of the inquiry through which I propose to accompany you, the truths intended to be inculcated will receive further confirmation from facts and arguments hitherto unnoticed. If the road, over which you will still have to pass, should in some places appear to you tedious or irksome, you will recollect, that you are in quest of information on a subject the most momentous which can engage the attention of a free people: that the field through which you have to travel is in itself spacious, and that the difficulties of the journey have been unnecessarily increased by the mazes

with which sophistry has beset the way. It will be my aim to remove the obstacles to your progress, in as compendious a manner as it can be done, without sacrificing utility to despatch.

In pursuance of the plan which I have laid down, for the discussion of the subject, the point next in order to be examined is the “insufficiency of the present Confederation to the preservation of the Union.” It may perhaps be asked, what need there is of reasoning or proof to illustrate a position, which is not either controverted or doubted; to which the understandings and feelings of all classes of men assent; and which in substance is admitted by the opponents as well as by the friends of the New Constitution? It must in truth be acknowledged, that however these may differ in other respects, they in general appear to harmonize in this sentiment, at least, that there are material imperfections in our National system, and that something is necessary to be done to rescue us from impending anarchy. The facts that support this opinion are no longer objects of speculation. They have forced themselves upon the sensibility of the people at large, and have at length extorted from those, whose mistaken policy has had the principal share in precipitating the extremity at which we are arrived, a reluctant confession of the reality of those defects in the scheme of our Fœderal Government, which have been long pointed out and regretted by the intelligent friends of the Union.

We may indeed, with propriety, be said to have reached almost the last stage of National humiliation. There is scarcely anything that can wound the pride, or degrade the character of an independent nation, which we do not experience. Are there engagements, to the performance of which we are held by every tie respectable among men? These are the subjects of constant and unblushing violation. Do we owe debts to foreigners,

and to our own citizens, contracted in a time of imminent peril, for the preservation of our political existence? These remain without any proper or satisfactory provision for their discharge. Have we valuable territories and important posts in the possession of a foreign power, which, by express stipulations, ought long since to have been surrendered? These are still retained, to the prejudice of our interests not less than of our rights. Are we in a condition to resent or to repel the aggression? We have neither troops, nor treasury, nor Government.\* Are we even in a condition to remonstrate with dignity? The just imputations on our own faith, in respect to the same treaty, ought first to be removed. Are we entitled by nature and compact to a free participation in the navigation of the Mississippi? Spain excludes us from it. Is public credit an indispensable resource in time of public danger? We seem to have abandoned its cause as desperate and irretrievable. Is commerce of importance to National wealth? Ours is at the lowest point of declension. Is respectability in the eyes of foreign powers a safeguard against foreign encroachments? The imbecility of our Government even forbids them to treat with us. Our ambassadors abroad are the mere pageants of mimic sovereignty. Is a violent and unnatural decrease in the value of land a symptom of National distress? The price of improved land in most parts of the country is much lower than can be accounted for by the quantity of waste land at market, and can only be fully explained by that want of private and public confidence, which are so alarmingly prevalent among all ranks, and which have a direct tendency to depreciate property of every kind. Is private credit the friend and patron of industry? That most useful kind which relates to borrowing and lending is reduced within the narrowest limits, and this still more

\* I mean for the Union. — *Publius.*

from an opinion of insecurity than from the scarcity of money. To shorten an enumeration of particulars which can afford neither pleasure nor instruction, it may in general be demanded what indication is there of National disorder, poverty, and insignificance, that could befall a community so peculiarly blessed with natural advantages as we are, which does not form a part of the dark catalogue of our public misfortunes ?

This is the melancholy situation, to which we have been brought by those very maxims and councils, which would now deter us from adopting the proposed Constitution ; and which, not content with having conducted us to the brink of a precipice, seem resolved to plunge us into the abyss, that awaits us below. Here, my Countrymen, impelled by every motive that ought to influence an enlightened people, let us make a firm stand for our safety, our tranquillity, our dignity, our reputation. Let us at last break the fatal charm which has too long seduced us from the paths of felicity and prosperity.

It is true, as has been before observed, that facts, too stubborn to be resisted, have produced a species of general assent to the abstract proposition that there exist material defects in our National system ; but the usefulness of the concession, on the part of the old adversaries of Fœderal measures, is destroyed by a strenuous opposition to a remedy, upon the only principles that can give it a chance of success. While they admit that the Government of the United States is destitute of energy, they contend against conferring upon it those powers which are requisite to supply that energy : They seem still to aim at things repugnant and irreconcilable ; at an augmentation of Fœderal authority, without a diminution of State authority ; at sovereignty in the Union, and complete independence in the members. They still, in fine, seem to cherish with blind devotion the political

mouster of an *imperium in imperio*. This renders a full display of the principal defects of the Confederation necessary, in order to show, that the evils we experience do not proceed from minute or partial imperfections, but from fundamental errors in the structure of the building, which cannot be amended, otherwise than by an alteration in the first principles and main pillars of the fabric.

The great and radical vice in the construction of the existing Confederation is in the principle of LEGISLATION for STATES or GOVERNMENTS, in their CORPORATE or COLLECTIVE CAPACITIES, and as contradistinguished from the INDIVIDUALS of which they consist. Though this principle does not run through all the powers delegated to the Union, yet it pervades and governs those on which the efficacy of the rest depends. Except as to the rule of apportionment, the United States have an indefinite discretion to make requisitions for men and money; but they have no authority to raise either, by regulations extending to the individual citizens of America. The consequence of this is, that, though in theory their resolutions concerning those objects are laws, constitutionally binding on the members of the Union, yet in practice they are mere recommendations, which the States observe or disregard at their option.

It is a singular instance of the capriciousness of the human mind, that after all the admonitions we have had from experience on this head, there should still be found men, who object to the New Constitution, for deviating from a principle which has been found the bane of the old; and which is, in itself, evidently incompatible with the idea of GOVERNMENT; a principle, in short, which, if it is to be executed at all, must substitute the violent and sanguinary agency of the sword to the mild influence of the Magistracy.

There is nothing absurd or impracticable in the idea

of a league or alliance between independent nations, for certain defined purposes precisely stated in a treaty ; regulating all the details of time, place, circumstance, and quantity ; leaving nothing to future discretion ; and depending for its execution on the good faith of the parties. Compacts of this kind exist among all civilized nations, subject to the usual vicissitudes of peace and war, of observance and non-observance, as the interests or passions of the contracting powers dictate. In the early part of the present century, there was an epidemical rage in Europe for this species of compacts ; from which the politicians of the times fondly hoped for benefits which were never realized. With a view to establishing the equilibrium of power and the peace of that part of the world, all the resources of negotiation were exhausted, and triple and quadruple alliances were formed ; but they were scarcely formed before they were broken, giving an instructive but afflicting lesson to mankind, how little dependence is to be placed on treaties which have no other sanction than the obligations of good faith ; and which oppose general considerations of peace and justice to the impulse of any immediate interest or passion.

If the particular States in this country are disposed to stand in a similar relation to each other, and to drop the project of a general DISCRETIONARY SUPERINTENDENCE, the scheme would indeed be pernicious, and would entail upon us all the mischiefs which have been enumerated under the first head ; but it would have the merit of being, at least, consistent and practicable. Abandoning all views towards a Confederate Government, this would bring us to a simple alliance offensive and defensive ; and would place us in a situation to be alternately friends and enemies of each other, as our mutual jealousies and rivalships, nourished by the intrigues of foreign nations, should prescribe to us.

But if we are unwilling to be placed in this perilous situation ; if we still will adhere to the design of a National Government, or, which is the same thing, of a superintending power, under the direction of a common Council, we must resolve to incorporate into our plan those ingredients which may be considered as forming the characteristic difference between a league and a Government ; we must extend the authority of the Union to the persons of the citizens,—the only proper objects of Government.

Government implies the power of making laws. It is essential to the idea of a law, that it be attended with a sanction ; or, in other words, a penalty or punishment for disobedience. If there be no penalty annexed to disobedience, the resolutions or commands which pretend to be laws will, in fact, amount to nothing more than advice or recommendation. This penalty, whatever it may be, can only be inflicted in two ways : by the agency of the Courts and Ministers of Justice, or by military force ; by the COERCION of the magistracy, or by the COERCION of arms. The first kind can evidently apply only to men : the last kind must, of necessity, be employed against bodies politic, or communities, or States. It is evident, that there is no process of a Court by which the observance of the laws can, in the last resort, be enforced. Sentences may be denounced against them for violations of their duty ; but these sentences can only be carried into execution by the sword. In an association where the general authority is confined to the collective bodies of the communities that compose it, every breach of the laws must involve a state of war ; and military execution must become the only instrument of civil obedience. Such a state of things can certainly not deserve the name of Government, nor would any prudent man choose to commit his happiness to it.

There was a time when we were told that breaches,

by the States, of the regulations of the Fœderal authority were not to be expected; that a sense of common interest would preside over the conduct of the respective members, and would beget a full compliance with all the constitutional requisitions of the Union. This language, at the present day, would appear as wild as a great part of what we now hear from the same quarter will be thought, when we shall have received further lessons from that best oracle of wisdom, experience. It at all times betrayed an ignorance of the true springs by which human conduct is actuated, and belied the original inducements to the establishment of civil power. Why has Government been instituted at all? Because the passions of men will not conform to the dictates of reason and justice, without constraint. Has it been found that bodies of men act with more rectitude or greater disinterestedness than individuals? The contrary of this has been inferred by all accurate observers of the conduct of mankind; and the inference is founded upon obvious reasons. Regard to reputation has a less active influence, when the infamy of a bad action is to be divided among a number, than when it is to fall singly upon one. A spirit of faction, which is apt to mingle its poison in the deliberations of all bodies of men, will often hurry the persons of whom they are composed into improprieties and excesses, for which they would blush in a private capacity.

In addition to all this, there is, in the nature of sovereign power, an impatience of control, that disposes those who are invested with the exercise of it, to look with an evil eye upon all external attempts to restrain or direct its operations. From this spirit it happens, that in every political association which is formed upon the principle of uniting in a common interest a number of lesser sovereignties, there will be found a kind of eccentric tendency in the subordinate or inferior orbs,

by the operation of which there will be a perpetual effort in each to fly off from the common centre. This tendency is not difficult to be accounted for. It has its origin in the love of power. Power controlled or abridged is almost always the rival and enemy of that power by which it is controlled or abridged. This simple proposition will teach us, how little reason there is to expect, that the persons intrusted with the administration of the affairs of the particular members of a Confederacy will at all times be ready, with perfect good-humor, and an unbiased regard to the public weal, to execute the resolutions or decrees of the general authority. The reverse of this results from the constitution of human nature.

If therefore the measures of the Confederacy cannot be executed, without the intervention of the particular administrations, there will be little prospect of their being executed at all. The rulers of the respective members, whether they have a constitutional right to do it or not, will undertake to judge of the propriety of the measures themselves. They will consider the conformity of the thing proposed or required to their immediate interests or aims; the momentary conveniences or inconveniences that would attend its adoption. All this will be done; and in a spirit of interested and suspicious scrutiny, without that knowledge of National circumstances and reasons of State, which is essential to a right judgment, and with that strong predilection in favor of local objects, which can hardly fail to mislead the decision. The same process must be repeated in every member of which the body is constituted; and the execution of the plans, framed by the councils of the whole, will always fluctuate on the discretion of the ill-informed and prejudiced opinion of every part. Those who have been conversant in the proceedings of popular assemblies; who have seen how difficult it often is, when

there is no exterior pressure of circumstances, to bring them to harmonious resolutions on important points, will readily conceive how impossible it must be to induce a number of such assemblies, deliberating at a distance from each other, at different times, and under different impressions, long to coöperate in the same views and pursuits.

In our case, the concurrence of thirteen distinct sovereign wills is requisite, under the Confederation, to the complete execution of every important measure that proceeds from the Union. It has happened as was to have been foreseen. The measures of the Union have not been executed; the delinquencies of the States have, step by step, matured themselves to an extreme, which has, at length, arrested all the wheels of the National Government, and brought them to an awful stand. Congress at this time scarcely possess the means of keeping up the forms of administration, till the States can have time to agree upon a more substantial substitute for the present shadow of a Fœderal Government. Things did not come to this desperate extremity at once. The causes which have been specified produced at first only unequal and disproportionate degrees of compliance with the requisitions of the Union. The greater deficiencies of some States furnished the pretext of example and the temptation of interest to the complying, or to the least delinquent States. Why should we do more in proportion than those who are embarked with us in the same political voyage? Why should we consent to bear more than our proper share of the common burden? These were suggestions which human selfishness could not withstand, and which even speculative men, who looked forward to remote consequences, could not, without hesitation, combat. Each State, yielding to the persuasive voice of immediate interest or convenience, has successively withdrawn its support, till the

frail and tottering edifice seems ready to fall upon our heads, and to crush us beneath its ruins.

PUBLIUS.

---

[*From the New York Packet, Tuesday, December 4, 1787.*]

## THE FEDERALIST. No. XVI.

---

TO THE PEOPLE OF THE STATE OF NEW YORK :

THE tendency of the principle of legislation for States, or communities, in their political capacities, as it has been exemplified by the experiment we have made of it, is equally attested by the events which have befallen all other Governments of the confederate kind, of which we have any account, in exact proportion to its prevalence in those systems. The confirmations of this fact will be worthy of a distinct and particular examination. I shall content myself with barely observing here, that of all the Confederacies of antiquity, which history has handed down to us, the Lycian and Achæan leagues, as far as there remain vestiges of them, appear to have been most free from the fetters of that mistaken principle, and were accordingly those which have best deserved, and have most liberally received, the applauding suffrages of political writers.

This exceptionable principle may, as truly as emphatically, be styled the parent of anarchy : It has been seen that delinquencies in the members of the Union are its natural and necessary offspring ; and that whenever they happen, the only constitutional remedy is force, and the immediate effect of the use of it, civil war.

It remains to inquire how far so odious an engine of

Government, in its application to us, would even be capable of answering its end. If there should not be a large army, constantly at the disposal of the National Government, it would either not be able to employ force at all, or, when this could be done, it would amount to a war between parts of the Confederacy, concerning the infractions of a league; in which the strongest combination would be most likely to prevail, whether it consisted of those who supported, or of those who resisted, the general authority. It would rarely happen that the delinquency to be redressed would be confined to a single member; and if there were more than one, who had neglected their duty, similarity of situation would induce them to unite for common defence. Independent of this motive of sympathy, if a large and influential State should happen to be the aggressing member, it would commonly have weight enough with its neighbors, to win over some of them as associates to its cause. Specious arguments of danger to the common liberty could easily be contrived; plausible excuses for the deficiencies of the party could, without difficulty, be invented, to alarm the apprehensions, inflame the passions, and conciliate the good-will, even of those States which were not chargeable with any violation or omission of duty. This would be the more likely to take place, as the delinquencies of the larger members might be expected sometimes to proceed from an ambitious premeditation in their rulers, with a view to getting rid of all external control upon their designs of personal aggrandizement; the better to effect which, it is presumable they would tamper beforehand with leading individuals in the adjacent States. If associates could not be found at home, recourse would be had to the aid of foreign powers, who would seldom be disinclined to encouraging the dissensions of a Confederacy, from the firm Union of which they had so much to fear.

When the sword is once drawn, the passions of men observe no bounds of moderation. The suggestions of wounded pride, the instigations of irritated resentment, would be apt to carry the States, against which the arms of the Union were exerted, to any extremes necessary to avenge the affront, or to avoid the disgrace of submission. The first war of this kind would probably terminate in a dissolution of the Union.

This may be considered as the violent death of the Confederacy. Its more natural death is what we now seem to be on the point of experiencing, if the Fœderal system be not speedily renovated in a more substantial form. It is not probable, considering the genius of this country, that the complying States would often be inclined to support the authority of the Union, by engaging in a war against the non-complying States. They would always be more ready to pursue the milder course of putting themselves upon an equal footing with the delinquent members, by an imitation of their example. And the guilt of all would thus become the security of all. Our past experience has exhibited the operation of this spirit in its full light. There would in fact be an insuperable difficulty in ascertaining when force could with propriety be employed. In the article of pecuniary contribution, which would be the most usual source of delinquency, it would often be impossible to decide, whether it had proceeded from disinclination or inability. The pretence of the latter would always be at hand. And the case must be very flagrant in which its fallacy could be detected with sufficient certainty to justify the harsh expedient of compulsion. It is easy to see that this problem alone, as often as it should occur, would open a wide field for the exercise of factious views, of partiality, and of oppression, in the majority that happened to prevail in the National council.

It seems to require no pains to prove that the States

ought not to prefer a National Constitution, which could only be kept in motion by the instrumentality of a large army, continually on foot to execute the ordinary requisitions or decrees of the Government. And yet this is the plain alternative involved by those who wish to deny it the power of extending its operations to individuals. Such a scheme, if practicable at all, would instantly degenerate into a military despotism; but it will be found in every light impracticable. The resources of the Union would not be equal to the maintenance of an army considerable enough to confine the larger States within the limits of their duty; nor would the means ever be furnished of forming such an army in the first instance. Whoever considers the populousness and strength of several of these States singly at the present juncture, and looks forward to what they will become, even at the distance of half a century, will at once dismiss as idle and visionary any scheme, which aims at regulating their movements by laws, to operate upon them in their collective capacities, and to be executed by a coercion applicable to them in the same capacities. A project of this kind is little less romantic than the monster-taming spirit, which is attributed to the fabulous heroes and demi-gods of antiquity.

Even in those Confederacies which have been composed of members smaller than many of our counties, the principle of legislation for sovereign States, supported by military coercion, has never been found effectual. It has rarely been attempted to be employed, but against the weaker members; and in most instances attempts to coerce the refractory and disobedient have been the signals of bloody wars, in which one half of the Confederacy has displayed its banners against the other half.

The result of these observations to an intelligent

mind must be clearly this, that if it be possible at any rate to construct a Fœderal Government capable of regulating the common concerns and preserving the general tranquillity, it must be founded, as to the objects committed to its care, upon the reverse of the principle contended for by the opponents of the proposed Constitution. It must carry its agency to the persons of the citizens. It must stand in need of no intermediate legislations; but must itself be empowered to employ the arm of the ordinary magistrate to execute its own resolutions. The majesty of the National authority must be manifested through the medium of the Courts of Justice. The Government of the Union, like that of each State, must be able to address itself immediately to the hopes and fears of individuals; and to attract to its support those passions which have the strongest influence upon the human heart. It must, in short, possess all the means, and have a right to resort to all the methods, of executing the powers with which it is intrusted, that are possessed and exercised by the Governments of the particular States.

To this reasoning it may perhaps be objected, that if any State should be disaffected to the authority of the Union, it could at any time obstruct the execution of its laws, and bring the matter to the same issue of force, with the necessity of which the opposite scheme is reproached.

The plausibility of this objection will vanish the moment we advert to the essential difference between a mere NON-COMPLIANCE and a DIRECT and ACTIVE RESISTANCE. If the interposition of the State Legislatures be necessary to give effect to a measure of the Union, they have only NOT TO ACT, or to ACT EVASIVELY, and the measure is defeated. This neglect of duty may be disguised under affected but unsubstantial provisions, so as not to appear, and of course not to excite any alarm

in the People for the safety of the Constitution. The State leaders may even make a merit of their surreptitious invasions of it on the ground of some temporary convenience, exemption, or advantage.

But if the execution of the laws of the National Government should not require the intervention of the State Legislatures; if they were to pass into immediate operation upon the citizens themselves, the particular Governments could not interrupt their progress without an open and violent exertion of an unconstitutional power. No omissions, nor evasions, would answer the end. They would be obliged to act, and in such a manner, as would leave no doubt that they had encroached on the National rights. An experiment of this nature would always be hazardous in the face of a Constitution in any degree competent to its own defence, and of a people enlightened enough to distinguish between a legal exercise and an illegal usurpation of authority. The success of it would require not merely a factious majority in the Legislature, but the concurrence of the Courts of Justice, and of the body of the People. If the Judges were not embarked in a conspiracy with the Legislature, they would pronounce the resolutions of such a majority to be contrary to the supreme law of the land, unconstitutional, and void. If the People were not tainted with the spirit of their State representatives, they, as the natural guardians of the Constitution, would throw their weight into the National scale, and give it a decided preponderancy in the contest. Attempts of this kind would not often be made with levity or rashness; because they could seldom be made without danger to the authors; unless in cases of a tyrannical exercise of the Fœderal authority.

If opposition to the National Government should arise from the disorderly conduct of refractory or seditious individuals, it could be overcome by the same means

which are daily employed against the same evil, under the State Governments. The Magistracy, being equally the Ministers of the law of the land, from whatever source it might emanate, would doubtless be as ready to guard the National as the local regulations from the inroads of private licentiousness. As to those partial commotions and insurrections, which sometimes disquiet society, from the intrigues of an inconsiderable faction, or from sudden or occasional ill-humors, that do not infect the great body of the community, the General Government could command more extensive resources, for the suppression of disturbances of that kind, than would be in the power of any single member. And as to those mortal feuds, which, in certain conjunctures, spread a conflagration through a whole nation, or through a very large proportion of it, proceeding either from weighty causes of discontent, given by the Government, or from the contagion of some violent popular paroxysm, they do not fall within any ordinary rules of calculation. When they happen, they commonly amount to revolutions, and dismemberments of empire. No form of Government can always either avoid or control them. It is in vain to hope to guard against events too mighty for human foresight or precaution; and it would be idle to object to a Government, because it could not perform impossibilities.

PUBLIUS.

*For the Independent Journal.*THE FEDERALIST. No. XVII.

---

TO THE PEOPLE OF THE STATE OF NEW YORK:

A N objection, of a nature different from that which has been stated and answered, in my last address, may perhaps be likewise urged against the principle of legislation for the individual citizens of America. It may be said, that it would tend to render the Government of the Union too powerful, and to enable it to absorb those residuary authorities, which it might be judged proper to leave with the States for local purposes. Allowing the utmost latitude to the love of power which any reasonable man can require, I confess I am at a loss to discover what temptation the persons intrusted with the administration of the General Government could ever feel to divest the States of the authorities of that description. The regulation of the mere domestic police of a State appears to me to hold out slender allurements to ambition. Commerce, finance, negotiation, and war seem to comprehend all the objects which have charms for minds governed by that passion ; and all the powers necessary to those objects ought, in the first instance, to be lodged in the National depository. The administration of private justice between the citizens of the same State, the supervision of agriculture and of other concerns of a similar nature, all those things, in short, which are proper to be provided for by local legislation, can never be desirable cares of a general jurisdiction. It is therefore improbable, that there should exist a disposition in the Federal councils to usurp the powers with which they are connected ; because the attempt to exercise those powers would be as trouble-

some as it would be nugatory ; and the possession of them, for that reason, would contribute nothing to the dignity, to the importance, or to the splendor of the National Government.

But let it be admitted, for argument' sake, that mere wantonness and lust of domination would be sufficient to beget that disposition ; still it may be safely affirmed, that the sense of the constituent body of the National representatives, or, in other words, of the People of the several States, would control the indulgence of so extravagant an appetite. It will always be far more easy for the State Governments to encroach upon the National authorities, than for the National Government to encroach upon the State authorities. The proof of this proposition turns upon the greater degree of influence which the State Governments, if they administer their affairs with uprightness and prudence, will generally possess over the People ; a circumstance which at the same time teaches us, that there is an inherent and intrinsic weakness in all Fœderal Constitutions ; and that too much pains cannot be taken in their organization, to give them all the force which is compatible with the principles of liberty.

The superiority of influence in favor of the particular Governments would result partly from the diffusive construction of the National Government, but chiefly from the nature of the objects to which the attention of the State administrations would be directed.

It is a known fact in human nature, that its affections are commonly weak in proportion to the distance or diffusiveness of the object. Upon the same principle that a man is more attached to his family than to his neighborhood, to his neighborhood than to the community at large, the People of each State would be apt to feel a stronger bias towards their local Governments than towards the Government of the Union ; unless the

force of that principle should be destroyed by a much better administration of the latter.

This strong propensity of the human heart would find powerful auxiliaries in the objects of State regulation.

The variety of more minute interests, which will necessarily fall under the superintendence of the local administrations, and which will form so many rivulets of influence, running through every part of the society, cannot be particularized, without involving a detail too tedious and uninteresting to compensate for the instruction it might afford.

There is one transcendent advantage belonging to the province of the State Governments, which alone suffices to place the matter in a clear and satisfactory light,— I mean the ordinary administration of criminal and civil justice. This, of all others, is the most powerful, most universal, and most attractive source of popular obedience and attachment. It is that, which, being the immediate and visible guardian of life and property ; having its benefits and its terrors in constant activity before the public eye ; regulating all those personal interests, and familiar concerns, to which the sensibility of individuals is more immediately awake ; contributes, more than any other circumstance, to impressing upon the minds of the People, affection, esteem, and reverence towards the Government. This great cement of society, which will diffuse itself almost wholly through the channels of the particular Governments, independent of all other causes of influence, would insure them so decided an empire over their respective citizens as to render them at all times a complete counterpoise, and, not unfrequently, dangerous rivals to the power of the Union.

The operations of the National Government, on the other hand, falling less immediately under the observation of the mass of the citizens, the benefits derived

from it will chiefly be perceived and attended to by speculative men. Relating to more general interests, they will be less apt to come home to the feelings of the People; and, in proportion, less likely to inspire a habitual sense of obligation, and an active sentiment of attachment.

The reasoning on this head has been abundantly exemplified by the experience of all Fœderal Constitutions with which we are acquainted, and of all others which have borne the least analogy to them.

Though the ancient feudal systems were not, strictly speaking, Confederacies, yet they partook of the nature of that species of association. There was a common head, chieftain, or sovereign, whose authority extended over the whole Nation; and a number of subordinate vassals, or feudatories, who had large portions of land allotted to them, and numerous trains of *inferior* vassals or retainers, who occupied and cultivated that land upon the tenure of fealty or obedience to the persons of whom they held it. Each principal vassal was a kind of sovereign within his particular demesnes. The consequences of this situation were a continual opposition to the authority of the sovereign, and frequent wars between the great barons, or chief feudatories themselves. The power of the head of the Nation was commonly too weak, either to preserve the public peace, or to protect the People against the oppressions of their immediate lords. This period of European affairs is emphatically styled by historians, the times of feudal anarchy.

When the sovereign happened to be a man of vigorous and warlike temper and of superior abilities, he would acquire a personal weight and influence, which answered for the time the purposes of a more regular authority. But in general, the power of the barons triumphed over that of the prince; and in many instances his dominion was entirely thrown off, and the great fiefs

were erected into independent principalities or States. In those instances in which the monarch finally prevailed over his vassals, his success was chiefly owing to the tyranny of those vassals over their dependants. The barons, or nobles, equally the enemies of the sovereign and the oppressors of the common people, were dreaded and detested by both; till mutual danger and mutual interest effected an union between them fatal to the power of the aristocracy. Had the nobles, by a conduct of clemency and justice, preserved the fidelity and devotion of their retainers and followers, the contests between them and the prince must almost always have ended in their favor, and in the abridgment or subversion of the royal authority.

This is not an assertion founded merely in speculation or conjecture. Among other illustrations of its truth which might be cited, Scotland will furnish a cogent example. The spirit of clanship which was, at an early day, introduced into that kingdom, uniting the nobles and their dependants by ties equivalent to those of kindred, rendered the aristocracy a constant overmatch for the power of the monarch, till the incorporation with England subdued its fierce and ungovernable spirit, and reduced it within those rules of subordination, which a more rational and more energetic system of civil polity had previously established in the latter kingdom.

The separate Governments in a Confederacy may aptly be compared with the feudal baronies; with this advantage in their favor, that from the reasons already explained, they will generally possess the confidence and good-will of the People, and with so important a support, will be able effectually to oppose all encroachments of the National Government. It will be well, if they are not able to counteract its legitimate and necessary authority. The points of similitude consist in the rivalship

of power, applicable to both, and in the CONCENTRATION of large portions of the strength of the community into particular DEPOSITS, in one case at the disposal of individuals, in the other case at the disposal of political bodies.

A concise review of the events that have attended Confederate Governments will further illustrate this important doctrine ; an inattention to which has been the great source of our political mistakes, and has given our jealousy a direction to the wrong side. This review shall form the subject of some ensuing papers.

PUBLIUS.

---

*For the Independent Journal.*

## THE FŒDERALIST. No. XVIII.

---

TO THE PEOPLE OF THE STATE OF NEW YORK :

**A**MONG the Confederacies of antiquity, the most considerable was that of the Grecian Republics, associated under the Amphictyonic council. From the best accounts transmitted of this celebrated institution, it bore a very instructive analogy to the present Confederation of the American States.

The members retained the character of independent and sovereign States, and had equal votes in the Fœderal council. This council had a general authority to propose and resolve whatever it judged necessary for the common welfare of Greece ; to declare and carry on war ; to decide, in the last resort, all controversies between the members ; to fine the aggressing party ; to employ the whole force of the Confederacy against the disobedient ; to admit new members. The Amphic-

tyons were the guardians of religion, and of the immense riches belonging to the temple of Delphos, where they had the right of jurisdiction in controversies between the inhabitants and those who came to consult the oracle. As a further provision for the efficacy of the Fœderal powers, they took an oath mutually to defend and protect the united cities, to punish the violators of this oath, and to inflict vengeance on sacrilegious despilers of the Temple.

In theory, and upon paper, this apparatus of powers seems amply sufficient for all general purposes. In several material instances, they exceed the powers enumerated in the Articles of Confederation. The Amphictyons had in their hands the superstition of the times, one of the principal engines by which Government was then maintained ; they had a declared authority to use coercion against refractory cities, and were bound by oath to exert this authority on the necessary occasions.

Very different, nevertheless, was the experiment from the theory. The powers, like those of the present Congress, were administered by deputies appointed wholly by the cities in their political capacities ; and exercised over them in the same capacities. Hence the weakness, the disorders, and finally the destruction of the Confederacy. The more powerful members, instead of being kept in awe and subordination, tyrannized successively over all the rest. Athens, as we learn from DEMOSTHENES, was the arbiter of Greece seventy-three years. The Lacedæmonians next governed it twenty-nine years ; at a subsequent period, after the battle of Leuctra, the Thebans had their turn of domination.

It happened but too often, according to PLUTARCH, that the deputies of the strongest cities awed and corrupted those of the weaker ; and that judgment went in favor of the most powerful party.

Even in the midst of defensive and dangerous wars

with Persia and Macedon, the members never acted in concert, and were, more or fewer of them, eternally the dupes or the hirelings of the common enemy. The intervals of foreign war were filled up by domestic vicissitudes, convulsions, and carnage.

After the conclusion of the war with XERXES, it appears that the Lacedæmonians required that a number of the cities should be turned out of the Confederacy for the unfaithful part they had acted. The Athenians, finding that the Lacedæmonians would lose fewer partisans by such a measure than themselves, and would become masters of the public deliberations, vigorously opposed and defeated the attempt. This piece of history proves at once the inefficiency of the union, the ambition and jealousy of its most powerful members, and the dependent and degraded condition of the rest. The smaller members, though entitled by the theory of their system to revolve in equal pride and majesty around the common centre, had become, in fact, satellites of the orbs of primary magnitude.

Had the Greeks, says the Abbé MILOT, been as wise as they were courageous, they would have been admonished by experience of the necessity of a closer Union, and would have availed themselves of the peace which followed their success against the Persian arms, to establish such a reformation. Instead of this obvious policy, Athens and Sparta, inflated with the victories and the glory they had acquired, became first rivals and then enemies; and did each other infinitely more mischief than they had suffered from XERXES. Their mutual jealousies, fears, hatreds, and injuries ended in the celebrated Peloponnesian war; which itself ended in the ruin and slavery of the Athenians who had begun it.

As a weak Government, when not at war, is ever agitated by internal dissensions; so these never fail to bring on fresh calamities from abroad. The Phocians having

ploughed up some consecrated ground belonging to the temple of Apollo, the Amphictyonic council, according to the superstition of the age, imposed a fine on the sacrilegious offenders. The Phocians, being abetted by Athens and Sparta, refused to submit to the decree. The Thebans, with others of the cities, undertook to maintain the authority of the Amphictyons, and to avenge the violated God. The latter, being the weaker party, invited the assistance of PHILIP of Macedon, who had secretly fostered the contest. PHILIP gladly seized the opportunity of executing the designs he had long planned against the liberties of Greece. By his intrigues and bribes he won over to his interests the popular leaders of several cities; by their influence and votes, gained admission into the Amphictyonic council; and by his arts and his arms, made himself master of the Confederacy.

Such were the consequences of the fallacious principle on which this interesting establishment was founded. Had Greece, says a judicious observer on her fate, been united by a stricter Confederation, and persevered in her Union, she would never have worn the chains of Macedonia; and might have proved a barrier to the vast projects of Rome.

The Achæan league, as it is called, was another society of Grecian republics, which supplies us with valuable instruction.

The Union here was far more intimate, and its organization much wiser, than in the preceding instance. It will accordingly appear, that though not exempt from a similar catastrophe, it by no means equally deserved it.

The cities composing this league retained their municipal jurisdiction, appointed their own officers, and enjoyed a perfect equality. The Senate, in which they were represented, had the sole and exclusive right of peace and war; of sending and receiving Ambassadors;

of entering into treaties and alliances ; of appointing a Chief Magistrate or Prætor, as he was called, who commanded their armies, and who, with the advice and consent of ten of the senators, not only administered the Government in the recess of the senate, but had a great share in its deliberations, when assembled. According to the primitive Constitution, there were two Prætors associated in the administration ; but on trial a single one was preferred.

It appears that the cities had all the same laws and customs, the same weights and measures, and the same money. But how far this effect proceeded from the authority of the Fœderal Council is left in uncertainty. It is said only that the cities were in a manner compelled to receive the same laws and usages. When Lacedæmon was brought into the league by PHILOPÆMEN, it was attended with an abolition of the institutions and laws of LYCURGUS, and an adoption of those of the Achæans. The Amphictyonic Confederacy, of which she had been a member, left her in the full exercise of her Government and her legislation. This circumstance alone proves a very material difference in the genius of the two systems.

It is much to be regretted that such imperfect monuments remain of this curious political fabric. Could its interior structure and regular operation be ascertained, it is probable that more light would be thrown by it on the science of Fœderal Government, than by any of the like experiments with which we are acquainted.

One important fact seems to be witnessed by all the historians who take notice of Achæan affairs. It is, that as well after the renovation of the league by ARATUS, as before its dissolution by the arts of Macedon, there was infinitely more of moderation and justice in the administration of its Government, and less of violence and sedition in the people, than were to be found in any of

the cities exercising *singly* all the prerogatives of sovereignty. The Abbé MABLY, in his observations on Greece, says, that the popular Government, which was so tempestuous elsewhere, caused no disorders in the members of the Achæan republic, *because it was there tempered by the general authority and laws of the Confederacy.*

We are not to conclude too hastily, however, that faction did not, in a certain degree, agitate the particular cities; much less, that a due subordination and harmony reigned in the general system. The contrary is sufficiently displayed in the vicissitudes and fate of the republic.

Whilst the Amphictyonic Confederacy remained, that of the Achæans, which comprehended the less important cities only, made little figure on the theatre of Greece. When the former became a victim to Macedon, the latter was spared by the policy of PHILIP and ALEXANDER. Under the successors of these princes, however, a different policy prevailed. The arts of division were practised among the Achæans: Each city was seduced into a separate interest; the Union was dissolved. Some of the cities fell under the tyranny of Macedonian garrisons; others under that of usurpers springing out of their own confusions. Shame and oppression ere-long awakened their love of liberty. A few cities re-united. Their example was followed by others, as opportunities were found of cutting off their tyrants. The league soon embraced almost the whole Peloponnesus. Macedon saw its progress; but was hindered, by internal dissensions, from stopping it. All Greece caught the enthusiasm, and seemed ready to unite in one Confederacy, when the jealousy and envy in Sparta and Athens, of the rising glory of the Achæans, threw a fatal damp on the enterprise. The dread of the Macedonian power induced the league to court the alliance of the Kings of

Egypt and Syria ; who, as successors of ALEXANDER, were rivals of the King of Macedon. This policy was defeated by CLEOMENS, King of Sparta, who was led by his ambition to make an unprovoked attack on his neighbors, the Achæans ; and who, as an enemy to Macedon, had interest enough with the Egyptian and Syrian Princes, to effect a breach of their engagements with the league. The Achæans were now reduced to the dilemma of submitting to CLEOMENS, or of supplicating the aid of Macedon, its former oppressor. The latter expedient was adopted. The contest of the Greeks always afforded a pleasing opportunity to that powerful neighbor, of intermeddling in their affairs. A Macedonian army quickly appeared : CLEOMENS was vanquished. The Achæans soon experienced, as often happens, that a victorious and powerful ally is but another name for a master. All that their most abject compliances could obtain from him was a toleration of the exercise of their laws. PHILIP, who was now on the throne of Macedon, soon provoked, by his tyrannies, fresh combinations among the Greeks. The Achæans, though weakened by internal dissensions, and by the revolt of Messene, one of its members, being joined by the Ætolians and Athenians, erected the standard of opposition. Finding themselves, though thus supported, unequal to the undertaking, they once more had recourse to the dangerous expedient of introducing the succor of foreign arms. The Romans, to whom the invitation was made, eagerly embraced it. PHILIP was conquered : Macedon subdued. A new crisis ensued to the league. Dissensions broke out among its members. These the Romans fostered. CALLICRATES, and other popular leaders, became mercenary instruments for inveigling their countrymen. The more effectually to nourish discord and disorder, the Romans had, to the astonishment of those who confided in their sincerity, already proclaimed

universal liberty \* throughout Greece. With the same insidious views, they now seduced the members from the league, by representing to their pride the violation it committed on their sovereignty. By these arts, this union, the last hope of Greece, the last hope of ancient liberty, was torn into pieces; and such imbecility and distraction introduced, that the arms of Rome found little difficulty in completing the ruin which their arts had commenced. The Achæans were cut to pieces, and Achaia loaded with chains, under which it is groaning at this hour.

I have thought it not superfluous to give the outlines of this important portion of history; both because it teaches more than one lesson, and because, as a supplement to the outlines of the Achæan Constitution, it emphatically illustrates the tendency of Fœderal bodies rather to anarchy among the members, than to tyranny in the head.

PUBLIUS.

---

*For the Independent Journal.*

## THE FŒDERALIST. No. XIX.

---

TO THE PEOPLE OF THE STATE OF NEW YORK :

THE examples of ancient Confederacies, cited in my last paper, have not exhausted the source of experimental instruction on this subject. There are existing institutions, founded on a similar principle, which merit particular consideration. The first which presents itself is the Germanic Body.

\* This was but another name for the independent members on the Fœderal head. — *Publius.*

In the early ages of Christianity, Germany was occupied by seven distinct nations, who had no common chief. The Franks, one of the number, having conquered the Gauls, established the kingdom which has taken its name from them. In the ninth century, CHARLEMAGNE, its warlike monarch, carried his victorious arms in every direction; and Germany became a part of his vast dominions. On the dismemberment, which took place under his sons, this part was erected into a separate and independent empire. CHARLEMAGNE and his immediate descendants possessed the reality, as well as the ensigns and dignity of imperial power. But the principal vassals, whose fiefs had become hereditary, and who composed the National Diets, which CHARLEMAGNE had not abolished, gradually threw off the yoke, and advanced to sovereign jurisdiction and independence. The force of imperial sovereignty was insufficient to restrain such powerful dependants; or to preserve the unity and tranquillity of the empire. The most furious private wars, accompanied with every species of calamity, were carried on between the different Princes and States. The imperial authority, unable to maintain the public order, declined by degrees, till it was almost extinct in the anarchy, which agitated the long interval between the death of the last Emperor of the Suabian, and the accession of the first Emperor of the Austrian lines. In the eleventh century, the Emperors enjoyed full sovereignty: In the fifteenth, they had little more than the symbols and decorations of power.

Out of this feudal system, which has itself many of the important features of a Confederacy, has grown the Fœderal system, which constitutes the Germanic empire. Its powers are vested in a Diet representing the component members of the Confederacy; in the Emperor, who is the executive magistrate, with a negative on the de-

crees of the Diet; and in the Imperial Chamber and Aulic Council, two judiciary tribunals having supreme jurisdiction in controversies which concern the empire, or which happen among its members.

The Diet possesses the general power of legislating for the empire ; of making war and peace ; contracting alliances ; assessing quotas of troops and money ; constructing fortresses ; regulating coin ; admitting new members ; and subjecting disobedient members to the ban of the empire, by which the party is degraded from his sovereign rights, and his possessions forfeited. The members of the Confederacy are expressly restricted from entering into compacts, prejudicial to the empire ; from imposing tolls and duties on their mutual intercourse, without the consent of the Emperor and Diet ; from altering the value of money ; from doing injustice to one another ; or from affording assistance or retreat to disturbers of the public peace. And the ban is denounced against such as shall violate any of these restrictions. The members of the Diet, as such, are subject in all cases to be judged by the Emperor and Diet, and in their private capacities by the Aulic Council and Imperial Chamber.

The prerogatives of the Emperor are numerous. The most important of them are, his exclusive right to make propositions to the Diet ; to negative its resolutions ; to name ambassadors ; to confer dignities and titles ; to fill vacant electorates ; to found universities ; to grant privileges not injurious to the States of the empire ; to receive and apply the public revenues ; and generally to watch over the public safety. In certain cases, the Electors form a Council to him. In quality of Emperor, he possesses no territory within the empire ; nor receives any revenue for his support. But his revenue and dominions, in other qualities, constitute him one of the most powerful princes in Europe.

From such a parade of constitutional powers, in the representatives and head of this Confederacy, the natural supposition would be, that it must form an exception to the general character which belongs to its kindred systems. Nothing would be further from the reality. The fundamental principle on which it rests, that the empire is a community of sovereigns ; that the Diet is a representation of sovereigns ; and that the laws are addressed to sovereigns ; renders the empire a nerveless body, incapable of regulating its own members, insecure against external dangers, and agitated with unceasing fermentations in its own bowels.

The history of Germany is a history of wars between the Emperor and the Princes and States ; of wars among the Princes and States themselves ; of the licentiousness of the strong, and the oppression of the weak ; of foreign intrusions, and foreign intrigues ; of requisitions of men and money disregarded, or partially complied with ; of attempts to enforce them, altogether abortive, or attended with slaughter and desolation, involving the innocent with the guilty ; of general imbecility, confusion, and misery.

In the sixteenth century, the Emperor, with one part of the empire on his side, was seen engaged against the other Princes and States. In one of the conflicts, the Emperor himself was put to flight, and very near being made prisoner by the Elector of Saxony. The late King of Prussia was more than once pitted against his Imperial Sovereign ; and commonly proved an overmatch for him. Controversies and wars among the members themselves have been so common, that the German annals are crowded with the bloody pages which describe them. Previous to the peace of Westphalia, Germany was desolated by a war of thirty years, in which the Emperor, with one half of the empire, was on one side, and Sweden, with the other half, on the

opposite side. Peace was at length negotiated, and dictated by foreign powers; and the articles of it, to which foreign powers are parties, made a fundamental part of the Germanic Constitution.

If the nation happens, on any emergency, to be more united by the necessity of self-defence, its situation is still deplorable. Military preparations must be preceded by so many tedious discussions, arising from the jealousies, pride, separate views, and clashing pretensions, of sovereign bodies, that before the Diet can settle the arrangements, the enemy are in the field; and before the Fœderal troops are ready to take it, are retiring into winter quarters.

The small body of National troops, which has been judged necessary in time of peace, is defectively kept up, badly paid, infected with local prejudices, and supported by irregular and disproportionate contributions to the treasury.

The impossibility of maintaining order, and dispensing justice among these sovereign subjects, produced the experiment of dividing the Empire into nine or ten circles or districts; of giving them an interior organization; and of charging them with the military execution of the laws against delinquent and contumacious members. This experiment has only served to demonstrate, more fully, the radical vice of the Constitution. Each circle is the miniature picture of the deformities of this political monster. They either fail to execute their commissions, or they do it with all the devastation and carnage of civil war. Sometimes whole circles are defaulters; and then they increase the mischief which they were instituted to remedy.

We may form some judgment of this scheme of military coercion, from a sample given by THUANUS. In Donawerth, a free and imperial city of the circle of Swabia, the Abbé DE ST. CROIX enjoyed certain immunities

which had been reserved to him. In the exercise of these, on some public occasions, outrages were committed on him, by the people of the city. The consequence was, that the city was put under the ban of the empire; and the Duke of Bavaria, though Director of another circle, obtained an appointment to enforce it. He soon appeared before the city, with a corps of ten thousand troops; and finding it a fit occasion, as he had secretly intended from the beginning, to revive an antiquated claim, on the pretext that his ancestors had suffered the place to be dismembered from his territory,\* he took possession of it in his own name, disarmed and punished the inhabitants, and reannexed the city to his domains.

It may be asked, perhaps, what has so long kept this disjointed machine from falling entirely to pieces? The answer is obvious. The weakness of most of the members, who are unwilling to expose themselves to the mercy of foreign powers; the weakness of most of the principal members, compared with the formidable powers all around them; the vast weight and influence which the Emperor derives from his separate and hereditary dominions; and the interest he feels, in preserving a system with which his family pride is connected, and which constitutes him the first Prince in Europe: these causes support a feeble and precarious Union; whilst the repellent quality, incident to the nature of sovereignty, and which time continually strengthens, prevents any reform whatever, founded on a proper consolidation. Nor is it to be imagined, if this obstacle could be surmounted, that the neighboring powers would suffer a revolution to take place, which would give to the Empire the force and preëminence to which it is entitled. Foreign nations have long considered themselves as interested in the changes made by events in this Constitu-

\* PFEFFEL, *Nouvel Abrégé Chronol.* for the expense of the expedition.—*de l' Hist. etc., d' Allemagne*, says the *Publius*.  
pretext was to indemnify himself

tion; and have, on various occasions, betrayed their policy of perpetuating its anarchy and weakness.

If more direct examples were wanting, Poland, as a Government over local sovereigns, might not improperly be taken notice of. Nor could any proof more striking be given of the calamities flowing from such institutions. Equally unfit for self-government and self-defence, it has long been at the mercy of its powerful neighbors; who have lately had the mercy to disburden it of one third of its people and territories.

The connection among the Swiss Cantons scarcely amounts to a Confederacy; though it is sometimes cited as an instance of the stability of such institutions.

They have no common treasury; no common troops even in war; no common coin; no common judicatory; nor any other common mark of sovereignty.

They are kept together by the peculiarity of their topographical position; by their individual weakness and insignificancy; by the fear of powerful neighbors, to one of which they were formerly subject; by the few sources of contention among a People of such simple and homogeneous manners; by their joint interest in their dependent possessions; by the mutual aid they stand in need of, for suppressing insurrections and rebellions, an aid expressly stipulated, and often required and afforded; and by the necessity of some regular and permanent provision for accommodating disputes among the Cantons. The provision is, that the parties at variance shall each choose four judges out of the neutral Cantons, who, in case of disagreement, choose an umpire. This tribunal, under an oath of impartiality, pronounces definitive sentence, which all the Cantons are bound to enforce. The competency of this regulation may be estimated by a clause in their treaty of 1683, with VICTOR AMADEUS of Savoy; in which he obliges himself to interpose as mediator in disputes between

the Cantons, and to employ force, if necessary, against the contumacious party.

So far as the peculiarity of their case will admit of comparison with that of the United States, it serves to confirm the principle intended to be established. Whatever efficacy the Union may have had in ordinary cases, it appears that the moment a cause of difference sprung up, capable of trying its strength, it failed. The controversies on the subject of religion, which in three instances have kindled violent and bloody contests, may be said, in fact, to have severed the league. The Protestant and Catholic Cantons have since had their separate Diets; where all the most important concerns are adjusted, and which have left the general Diet little other business than to take care of the common bailages.

That separation had another consequence, which merits attention. It produced opposite alliances with foreign powers: of Berne, at the head of the Protestant association, with the United Provinces; and of Luzerne, at the head of the Catholic association, with France.

PUBLIUS.

---

[*From the New York Packet, Tuesday, December 11, 1787.*]

## THE FEDERALIST. No. XX.

---

TO THE PEOPLE OF THE STATE OF NEW YORK :

THE United Netherlands are a Confederacy of republics, or rather of aristocracies of a very remarkable texture, yet confirming all the lessons derived from those which we have already reviewed.

The Union is composed of seven coequal and sovereign States, and each State or province is a composi-

tion of equal and independent cities. In all important cases, not only the provinces, but the cities must be unanimous.

The sovereignty of the Union is represented by the States-General, consisting usually of about fifty deputies appointed by the provinces. They hold their seats, some for life, some for six, three, and one years. From two provinces they continue in appointment during pleasure.

The States-General have authority to enter into treaties and alliances; to make war and peace; to raise armies and equip fleets; to ascertain quotas and demand contributions. In all these cases, however, unanimity and the sanction of their constituents are requisite. They have authority to appoint and receive ambassadors; to execute treaties and alliances already formed; to provide for the collection of duties on imports and exports; to regulate the mint, with a saving to the provincial rights; to govern as sovereigns the dependent territories. The provinces are restrained, unless with the general consent, from entering into foreign treaties; from establishing imposts injurious to others, or charging their neighbors with higher duties than their own subjects. A Council of State, a chamber of accounts, with five colleges of admiralty, aid and fortify the Fœderal administration.

The executive magistrate of the Union is the Stadholder, who is now a hereditary Prince. His principal weight and influence in the republic are derived from this independent title; from his great patrimonial estates; from his family connections with some of the chief potentates of Europe; and, more than all, perhaps, from his being Stadholder in the several provinces, as well as for the Union; in which provincial quality, he has the appointment of town magistrates under certain regulations, executes provincial decrees, presides

when he pleases in the provincial tribunals, and has throughout the power of pardon.

As Stadholder of the Union, he has however considerable prerogatives.

In his political capacity, he has authority to settle disputes between the provinces, when other methods fail ; to assist at the deliberations of the States-General, and at their particular conferences ; to give audiences to foreign Ambassadors, and to keep agents for his particular affairs at foreign Courts.

In his military capacity, he commands the Fœderal troops ; provides for garrisons, and in general regulates military affairs ; disposes of all appointments, from Colonels to Ensigns, and of the Governments and posts of fortified towns.

In his marine capacity, he is Admiral-General, and superintends and directs everything relative to naval forces, and other naval affairs ; presides in the admiralties in person or by proxy ; appoints Lieutenant-Admirals and other officers ; and establishes Councils of war, whose sentences are not executed till he approves them.

His revenue, exclusive of his private income, amounts to three hundred thousand florins. The standing army which he commands consists of about forty thousand men.

Such is the nature of the celebrated Belgic Confederacy, as delineated on parchment. What are the characters which practice has stamped upon it ? Imbecility in the Government ; discord among the provinces ; foreign influence and indignities ; a precarious existence in peace, and peculiar calamities from war.

It was long ago remarked by GROTIUS, that nothing but the hatred of his countrymen to the House of Austria kept them from being ruined by the vices of their Constitution.

The Union of Utrecht, says another respectable writ-

er, reposes an authority in the States-General, seemingly sufficient to secure harmony ; but the jealousy in each province renders the practice very different from the theory.

The same instrument, says another, obliges each province to levy certain contributions ; but this article never could, and probably never will, be executed ; because the inland provinces, who have little commerce, cannot pay an equal quota.

In matters of contribution, it is the practice to waive the articles of the Constitution. The danger of delay obliges the consenting provinces to furnish their quotas, without waiting for the others ; and then to obtain reimbursement from the others, by deputations, which are frequent, or otherwise, as they can. The great wealth and influence of the province of Holland enable her to effect both these purposes.

It has more than once happened, that the deficiencies have been ultimately to be collected at the point of the bayonet ; a thing practicable, though dreadful, in a Confederacy where one of the members exceeds in force all the rest, and where several of them are too small to meditate resistance ; but utterly impracticable in one composed of members, several of which are equal to each other in strength and resources, and equal singly to a vigorous and persevering defence.

Foreign Ministers, says Sir WILLIAM TEMPLE, who was himself a foreign minister, elude matters taken *ad referendum*, by tampering with the provinces and cities. In 1726, the treaty of Hanover was delayed by these means a whole year. Instances of a like nature are numerous and notorious.

In critical emergencies, the States-General are often compelled to overleap their constitutional bounds. In 1688, they concluded a treaty of themselves at the risk of their heads. The treaty of Westphalia, in 1648, by

which their independence was formally and finally recognized, was concluded without the consent of Zealand. Even as recently as the last treaty of peace with Great Britain, the constitutional principle of unanimity was departed from. A weak Constitution must necessarily terminate in dissolution, for want of proper powers, or the usurpation of powers requisite for the public safety. Whether the usurpation, when once begun, will stop at the salutary point, or go forward to the dangerous extreme, must depend on the contingencies of the moment. Tyranny has perhaps oftener grown out of the assumptions of power, called for, on pressing exigencies, by a defective Constitution, than out of the full exercise of the largest constitutional authorities.

Notwithstanding the calamities produced by the Stadholdership, it has been supposed, that without his influence in the individual provinces, the causes of anarchy manifest in the Confederacy would long ago have dissolved it. "Under such a Government," says the Abbé MABLY, "the Union could never have subsisted, if the "provinces had not a spring within themselves, capable "of quickening their tardiness, and compelling them to "the same way of thinking. This spring is the Stadholder." It is remarked by Sir WILLIAM TEMPLE, "that "in the intermissions of the Stadholdership, Holland, "by her riches and her authority, which drew the others "into a sort of dependence, supplied the place."

These are not the only circumstances which have controlled the tendency to anarchy and dissolution. The surrounding powers impose an absolute necessity of Union to a certain degree, at the same time that they nourish by their intrigues the constitutional vices, which keep the republic in some degree always at their mercy.

The true patriots have long bewailed the fatal tendency of these vices, and have made no less than four regular experiments by *extraordinary assemblies*, con-

vened for the special purpose, to apply a remedy. As many times has their laudable zeal found it impossible to *unite the public councils* in reforming the known, the acknowledged, the fatal evils of the existing Constitution. Let us pause, my Fellow-Citizens, for one moment, over this melancholy and monitory lesson of history; and with the tear that drops for the calamities brought on mankind by their adverse opinions and selfish passions, let our gratitude mingle an ejaculation to Heaven, for the propitious concord which has distinguished the consultations for our political happiness.

A design was also conceived of establishing a general tax to be administered by the Fœderal authority. This also had its adversaries and failed.

This unhappy people seem to be now suffering, from popular convulsions, from dissensions among the States, and from the actual invasion of foreign arms, the crisis of their destiny. All nations have their eyes fixed on the awful spectacle. The first wish prompted by humanity is, that this severe trial may issue in such a revolution of their Government, as will establish their Union, and render it the parent of tranquillity, freedom, and happiness: The next, that the asylum under which, we trust, the enjoyment of these blessings will speedily be secured in this country, may receive and console them for the catastrophe of their own.

I make no apology for having dwelt so long on the contemplation of these Fœderal precedents. Experience is the oracle of truth; and where its responses are unequivocal, they ought to be conclusive and sacred. The important truth, which it unequivocally pronounces in the present case, is that a sovereignty over sovereigns, a Government over Governments, a legislation for communities, as contradistinguished from individuals, as it is a solecism in theory, so in practice it is subversive of the order and ends of civil polity, by substituting *vio-*

*lence* in place of *law*, or the destructive *coercion* of the *sword* in place of the mild and salutary *coercion* of the *magistracy*.

PUBLIUS.

---

*For the Independent Journal.*

## THE FEDERALIST. No. XXI.

---

TO THE PEOPLE OF THE STATE OF NEW YORK :

HAVING in the three last numbers taken a summary review of the principal circumstances and events, which have depicted the genius and fate of other confederate Governments, I shall now proceed in the enumeration of the most important of those defects, which have hitherto disappointed our hopes from the system established among ourselves. To form a safe and satisfactory judgment of the proper remedy, it is absolutely necessary that we should be well acquainted with the extent and malignity of the disease.

The next most palpable defect of the subsisting Confederation, is the total want of a SANCTION to its laws. The United States, as now composed, have no powers to exact obedience, or punish disobedience to their resolutions, either by pecuniary mulcts, by a suspension or divestiture of privileges, or by any other constitutional mode. There is no express delegation of authority to them to use force against delinquent members; and if such a right should be ascribed to the Federal head, as resulting from the nature of the social compact between the States, it must be by inference and construction, in the face of that part of the second Article, by which it is declared, "that "each State shall retain every power, jurisdiction, and

“right, not *expressly* delegated to the United States in “Congress assembled.” There is, doubtless, a striking absurdity in supposing that a right of this kind does not exist, but we are reduced to the dilemma either of embracing that supposition, preposterous as it may seem, or of contravening or explaining away a provision, which has been of late a repeated theme of the eulogies of those who oppose the new Constitution; and the want of which, in that plan, has been the subject of much plausible animadversion, and severe criticism. If we are unwilling to impair the force of this applauded provision, we shall be obliged to conclude, that the United States afford the extraordinary spectacle of a Government, destitute even of the shadow of constitutional power to enforce the execution of its own laws. It will appear, from the specimens which have been cited, that the American Confederacy, in this particular, stands discriminated from every other institution of a similar kind, and exhibits a new and unexampled phenomenon in the political world.

The want of a mutual guaranty of the State Governments is another capital imperfection in the Fœderal plan. There is nothing of this kind declared in the Articles that compose it; and to imply a tacit guaranty from consideration of utility, would be a still more flagrant departure from the clause which has been mentioned, than to imply a tacit power of coercion, from the like considerations. The want of a guaranty, though it might in its consequences endanger the Union, does not so immediately attack its existence, as the want of a constitutional sanction to its laws.

Without a guaranty, the assistance to be derived from the Union in repelling those domestic dangers, which may sometimes threaten the existence of the State Constitutions, must be renounced. Usurpation may rear its crest in each State, and trample upon the liberties

of the people; while the National Government could legally do nothing more than behold its encroachments with indignation and regret. A successful faction may erect a tyranny on the ruins of order and law; while no succor could constitutionally be afforded by the Union to the friends and supporters of the Government. The tempestuous situation from which Massachusetts has scarcely emerged, evinces that dangers of this kind are not merely speculative. Who can determine, what might have been the issue of her late convulsions, if the malcontents had been headed by a CÆSAR or by a CROMWELL? Who can predict, what effect a despotism, established in Massachusetts, would have upon the liberties of New Hampshire or Rhode Island; of Connecticut or New York?

The inordinate pride of State importance has suggested to some minds an objection to the principle of a guaranty in the Federal Government, as involving an officious interference in the domestic concerns of the members. A scruple of this kind would deprive us of one of the principal advantages to be expected from Union; and can only flow from a misapprehension of the nature of the provision itself. It could be no impediment to reforms of the State Constitutions by a majority of the People, in a legal and peaceable mode. This right would remain undiminished. The guaranty could only operate against changes to be effected by violence. Towards the prevention of calamities of this kind, too many checks cannot be provided. The peace of society, and the stability of Government, depend absolutely on the efficacy of the precautions adopted on this head. Where the whole power of the Government is in the hands of the People, there is the less pretence for the use of violent remedies, in partial or occasional distempers of the State. The natural cure for an ill-administration, in a popular or representative Constitution, is a

change of men. A guaranty by the National authority would be as much levelled against the usurpations of rulers, as against the ferments and outrages of faction and sedition in the community.

The principle of regulating the contributions of the States to the common treasury by QUOTAS is another fundamental error in the Confederation. Its repugnancy to an adequate supply of the National exigencies has been already pointed out, and has sufficiently appeared from the trial which has been made of it. I speak of it now solely with a view to equality among the States. Those who have been accustomed to contemplate the circumstances which produce constitutional wealth, must be satisfied that there is no common standard or barometer, by which the degrees of it can be ascertained. Neither the value of lands, nor the numbers of the People, which have been successively proposed as the rule of State contributions, has any pretension to being a just representative. If we compare the wealth of the United Netherlands with that of Russia or Germany, or even of France; and if we at the same time compare the total value of the lands and the aggregate population of that contracted district with the total value of the lands and the aggregate population of the immense regions of either of the three last-mentioned countries, we shall at once discover, that there is no comparison between the proportion of either of these two objects, and that of the relative wealth of those nations. If the like parallel were to be run between several of the American States, it would furnish a like result. Let Virginia be contrasted with North Carolina, Pennsylvania with Connecticut, or Maryland with New Jersey, and we shall be convinced that the respective abilities of those States, in relation to revenue, bear little or no analogy to their comparative stock in lands or to their comparative population. The position

may be equally illustrated by a similar process between the counties of the same State. No man who is acquainted with the State of New York will doubt that the active wealth of King's County bears a much greater proportion to that of Montgomery, than it would appear to be, if we should take either the total value of the lands, or the total numbers of the People, as a criterion !

The wealth of nations depends upon an infinite variety of causes. Situation, soil, climate, the nature of the productions, the nature of the Government, the genius of the citizens, the degree of information they possess, the state of commerce, of arts, of industry, these circumstances, and many more, too complex, minute, or adventitious, to admit of a particular specification, occasion differences hardly conceivable in the relative opulence and riches of different countries. The consequence clearly is, that there can be no common measure of National wealth; and, of course, no general or stationary rule, by which the ability of a State to pay taxes can be determined. The attempt, therefore, to regulate the contributions of the members of a Confederacy by any such rule, cannot fail to be productive of glaring inequality and extreme oppression.

This inequality would of itself be sufficient in America to work the eventual destruction of the Union, if any mode of enforcing a compliance with its requisitions could be devised. The suffering States would not long consent to remain associated upon a principle which distributes the public burdens with so unequal a hand, and which was calculated to impoverish and oppress the citizens of some States, while those of others would scarcely be conscious of the small proportion of the weight they were required to sustain. This, however, is an evil inseparable from the principle of quotas and requisitions.

There is no method of steering clear of this inconvenience, but by authorizing the National Government to raise its own revenues in its own way. Imposts, excises, and, in general, all duties upon articles of consumption, may be compared to a fluid, which will, in time, find its level with the means of paying them. The amount to be contributed by each citizen will in a degree be at his own option, and can be regulated by an attention to his resources. The rich may be extravagant, the poor can be frugal; and private oppression may always be avoided, by a judicious selection of objects proper for such impositions. If inequalities should arise in some States from duties on particular objects, these will, in all probability, be counterbalanced by proportional inequalities in other States, from the duties on other objects. In the course of time and things, an equilibrium, as far as it is attainable in so complicated a subject, will be established everywhere. Or, if inequalities should still exist, they would neither be so great in their degree, so uniform in their operation, nor so odious in their appearance, as those which would necessarily spring from quotas, upon any scale that can possibly be devised.

It is a signal advantage of taxes on articles of consumption, that they contain in their own nature a security against excess. They prescribe their own limit; which cannot be exceeded without defeating the end proposed,—that is, an extension of the revenue. When applied to this object, the saying is as just as it is witty, that, “in political arithmetic, two and two do not always make four.” If duties are too high, they lessen the consumption; the collection is eluded; and the product to the treasury is not so great as when they are confined within proper and moderate bounds. This forms a complete barrier against any material oppression of the citizens, by taxes of this class, and is itself a natural limitation of the power of imposing them.

Impositions of this kind usually fall under the denomination of indirect taxes, and must for a long time constitute the chief part of the revenue raised in this country. Those of the direct kind, which principally relate to lands and buildings, may admit of a rule of apportionment. Either the value of land, or the number of the people, may serve as a standard. The state of agriculture and the populousness of a country have been considered as nearly connected with each other. And as a rule for the purpose intended, numbers, in the view of simplicity and certainty, are entitled to a preference. In every country it is a Herculean task to obtain a valuation of the land: in a country imperfectly settled and progressive in improvement, the difficulties are increased almost to impracticability. The expense of an accurate valuation is, in all situations, a formidable objection. In a branch of taxation where no limits to the discretion of the Government are to be found in the nature of things, the establishment of a fixed rule, not incompatible with the end, may be attended with fewer inconveniences than to leave that discretion altogether at large.

PUBLIUS.

---

[*From the New York Packet, Friday, December 14, 1787.*]

## THE FEDERALIST, No. XXII.

---

TO THE PEOPLE OF THE STATE OF NEW YORK :

**I**N addition to the defects already enumerated in the existing Fœderal system, there are others of not less importance, which concur in rendering it altogether unfit for the administration of the affairs of the Union.

The want of a power to regulate commerce is by all parties allowed to be of the number. The utility of such a power has been anticipated under the first head of our inquiries ; and for this reason, as well as from the universal conviction entertained upon the subject, little need be added in this place. It is indeed evident, on the most superficial view, that there is no object, either as it respects the interests of trade or finance, that more strongly demands a Fœderal superintendence. The want of it has already operated as a bar to the formation of beneficial treaties with foreign powers ; and has given occasions of dissatisfaction between the States. No Nation acquainted with the nature of our political association would be unwise enough to enter into stipulations with the United States, by which they conceded privileges of any importance to them, while they were apprised that the engagements on the part of the Union might at any moment be violated by its members ; and while they found from experience that they might enjoy every advantage they desired in our markets, without granting us any return, but such as their momentary convenience might suggest. It is not, therefore, to be wondered at, that Mr. JENKINSON, in ushering into the House of Commons a bill for regulating the temporary intercourse between the two countries, should preface its introduction by a declaration, that similar provisions in former bills had been found to answer every purpose to the commerce of Great Britain, and that it would be prudent to persist in the plan until it should appear whether the American Government was likely or not to acquire greater consistency.\*

Several States have endeavored, by separate prohibitions, restrictions, and exclusions, to influence the conduct of that kingdom in this particular ; but the want of con-

\* This, as nearly as I can recollect, was the sense of his speech on introducing the last bill. — *Publius.*

cert, arising from the want of a general authority, and from clashing and dissimilar views in the States, has hitherto frustrated every experiment of the kind, and will continue to do so, as long as the same obstacles to an uniformity of measures continue to exist.

The interfering and unneighborly regulations of some States, contrary to the true spirit of the Union, have, in different instances, given just cause of umbrage and complaint to others ; and it is to be feared that examples of this nature, if not restrained by a National control, would be multiplied and extended till they became not less serious sources of animosity and discord, than injurious impediments to the intercourse between the different parts of the Confederacy. “The commerce of the “German empire\* is in continual trammels, from the “multiplicity of the duties which the several Princes “and States exact upon the merchandises passing “through their territories ; by means of which the fine “streams and navigable rivers with which Germany is “so happily watered are rendered almost useless.” Though the genius of the people of this country might never permit this description to be strictly applicable to us, yet we may reasonably expect from the gradual conflicts of State regulations, that the citizens of each would at length come to be considered and treated by the others in no better light than that of foreigners and aliens.

The power of raising armies, by the most obvious construction of the Articles of the Confederation, is merely a power of making requisitions upon the States for quotas of men. This practice, in the course of the late war, was found replete with obstructions to a vigorous, and to an economical system of defence. It gave birth to a competition between the States, which created a kind of auction for men. In order to furnish the quo-

\* *Encyclopaedia, article Empire. — Publius.*

tas required of them, they outbid each other, till boun-  
ties grew to an enormous and insupportable size. The  
hope of a still further increase afforded an inducement  
to those who were disposed to serve, to procrastinate  
their enlistment; and disinclined them from engaging for  
any considerable periods. Hence, slow and scanty levies  
of men, in the most critical emergencies of our affairs;  
short enlistments at an unparalleled expense; continual  
fluctuations in the troops, ruinous to their discipline, and  
subjecting the public safety frequently to the perilous  
crisis of a disbanded army. Hence, also, those oppres-  
sive expedients for raising men, which were upon several  
occasions practised, and which nothing but the enthusi-  
asm of liberty would have induced the people to endure.

This method of raising troops is not more unfriendly to economy and vigor than it is to an equal distribution of the burden. The States near the seat of war, influ-  
enced by motives of self-preservation, made efforts to furnish their quotas, which even exceeded their abilities; while those at a distance from danger were, for the most part, as remiss as the others were diligent, in their exer-  
tions. The immediate pressure of this inequality was not in this case, as in that of the contributions of mon-  
ey, alleviated by the hope of a final liquidation. The States which did not pay their proportions of money might at least be charged with their deficiencies; but no account could be formed of the deficiencies in the sup-  
plies of men. We shall not, however, see much reason to regret the want of this hope, when we consider how little prospect there is, that the most delinquent States will ever be able to make compensation for their pecuni-  
ary failures. The system of quotas and requisitions, whether it be applied to men or money, is, in every view, a system of imbecility in the Union, and of in-  
equality and injustice among the members.

The right of equal suffrage among the States is

another exceptionable part of the Confederation. Every idea of proportion and every rule of fair representation conspire to condemn a principle, which gives to Rhode Island an equal weight in the scale of power with Massachusetts, or Connecticut, or New York; and to Delaware an equal voice in the National deliberations with Pennsylvania, or Virginia, or North Carolina. Its operation contradicts that fundamental maxim of republican Government, which requires that the sense of the majority should prevail. Sophistry may reply, that sovereigns are equal, and that a majority of the votes of the States will be a majority of confederated America. But this kind of logical legerdemain will never counteract the plain suggestions of justice and common sense. It may happen that this majority of States is a small minority of the People of America;\* and two thirds of the People of America could not long be persuaded, upon the credit of artificial distinctions and syllogistic subtleties, to submit their interests to the management and disposal of one third. The larger States would after a while revolt from the idea of receiving the law from the smaller. To acquiesce in such a privation of their due importance in the political scale, would be not merely to be insensible to the love of power, but even to sacrifice the desire of equality. It is neither rational to expect the first, nor just to require the last. The smaller States, considering how peculiarly their safety and welfare depend on Union, ought readily to renounce a pretension, which, if not relinquished, would prove fatal to its duration.

It may be objected to this, that not seven but nine States, or two thirds of the whole number, must consent to the most important resolutions; and it may be thence

\* New Hampshire, Rhode Island, a majority of the whole number of New Jersey, Delaware, Georgia, the States, but they do not contain South Carolina, and Maryland are one third of the people.—*Publius.*

inferred, that nine States would always comprehend a majority of the inhabitants of the Union. But this does not obviate the impropriety of an equal vote between States of the most unequal dimensions and populousness: nor is the inference accurate in point of fact; for we can enumerate nine States, which contain less than a majority of the people;\* and it is constitutionally possible that these nine may give the vote. Besides, there are matters of considerable moment determinable by a bare majority: and there are others, concerning which doubts have been entertained, which, if interpreted in favor of the sufficiency of a vote of seven States, would extend its operation to interests of the first magnitude. In addition to this, it is to be observed that there is a probability of an increase in the number of States, and no provision for a proportional augmentation of the ratio of votes.

But this is not all: what at first sight may seem a remedy, is, in reality, a poison. To give a minority a negative upon the majority, (which is always the case where more than a majority is requisite to a decision,) is, in its tendency, to subject the sense of the greater number to that of the lesser. Congress, from the non-attendance of a few States, have been frequently in the situation of a Polish Diet, where a single VOTE has been sufficient to put a stop to all their movements. A sixtieth part of the Union, which is about the proportion of Delaware and Rhode Island, has several times been able to oppose an entire bar to its operations. This is one of those refinements which, in practice, has an effect the reverse of what is expected from it in theory. The necessity of unanimity in public bodies, or of something approaching towards it, has been founded upon a supposition that it would contribute to security. But its real

\* Add New York and Connecticut, and they will still be less than a majority.—*Publius.*

operation is to embarrass the administration, to destroy the energy of Government, and to substitute the pleasure, caprice, or artifices of an insignificant, turbulent, or corrupt junto, to the regular deliberations and decisions of a respectable majority. In those emergencies of a nation, in which the goodness or badness, the weakness or strength of its Government, is of the greatest importance, there is commonly a necessity for action. The public business must, in some way or other, go forward. If a pertinacious minority can control the opinion of a majority, respecting the best mode of conducting it, the majority, in order that something may be done, must conform to the views of the minority; and thus the sense of the smaller number will overrule that of the greater, and give a tone to the National proceedings. Hence, tedious delays; continual negotiation and intrigue; contemptible compromises of the public good. And yet, in such a system, it is even happy when such compromises can take place: for upon some occasions things will not admit of accommodation; and then the measures of Government must be injuriously suspended, or fatally defeated. It is often, by the impracticability of obtaining the concurrence of the necessary number of votes, kept in a state of inaction. Its situation must always savor of weakness, sometimes border upon anarchy.

It is not difficult to discover, that a principle of this kind gives greater scope to foreign corruption, as well as to domestic faction, than that which permits the sense of the majority to decide; though the contrary of this has been presumed. The mistake has proceeded from not attending with due care to the mischiefs that may be occasioned, by obstructing the progress of Government at certain critical seasons. When the concurrence of a large number is required by the Constitution to the doing of any National act, we are apt to rest satisfied

that all is safe, because nothing improper will be likely to be done; but we forget how much good may be prevented, and how much ill may be produced, by the power of hindering the doing what may be necessary, and of keeping affairs in the same unfavorable posture in which they may happen to stand at particular periods.

Suppose, for instance, we were engaged in a war, in conjunction with one foreign nation, against another. Suppose the necessity of our situation demanded peace, and the interest or ambition of our ally led him to seek the prosecution of the war, with views that might justify us in making separate terms. In such a state of things, this ally of ours would evidently find it much easier, by his bribes and intrigues, to tie up the hands of Government from making peace, where two thirds of all the votes were requisite to that object, than where a simple majority would suffice. In the first case he would have to corrupt a smaller number; in the last, a greater number. Upon the same principle, it would be much easier for a foreign power with which we were at war, to perplex our councils and embarrass our exertions. And, in a commercial view, we may be subjected to similar inconveniences. A nation, with which we might have a treaty of commerce, could with much greater facility prevent our forming a connection with her competitor in trade; though such a connection should be ever so beneficial to ourselves.

Evils of this description ought not to be regarded as imaginary. One of the weak sides of republics, among their numerous advantages, is, that they afford too easy an inlet to foreign corruption. An hereditary monarch, though often disposed to sacrifice his subjects to his ambition, has so great a personal interest in the Government, and in the external glory of the Nation, that it is not easy for a foreign power to give him an equivalent

for what he would sacrifice by treachery to the State. The world has accordingly been witness to few examples of this species of royal prostitution, though there have been abundant specimens of every other kind.

In republics, persons elevated from the mass of the community, by the suffrages of their fellow-citizens, to stations of great preéminence and power, may find compensations for betraying their trust, which, to any but minds animated and guided by superior virtue, may appear to exceed the proportion of interest they have in the common stock, and to overbalance the obligations of duty. Hence it is that history furnishes us with so many mortifying examples of the prevalency of foreign corruption in republican Governments. How much this contributed to the ruin of the ancient commonwealths has been already delineated. It is well known that the deputies of the United Provinces have, in various instances, been purchased by the emissaries of the neighboring kingdoms. The Earl of Chesterfield, (if my memory serves me right,) in a letter to his court, intimates that his success in an important negotiation must depend on his obtaining a Major's commission for one of those deputies. And in Sweden the parties were alternately bought by France and England, in so barefaced and notorious a manner that it excited universal disgust in the nation, and was a principal cause that the most limited monarch in Europe, in a single day, without tumult, violence, or opposition, became one of the most absolute and uncontrolled.

A circumstance which crowns the defects of the Confederation remains yet to be mentioned,—the want of a judiciary power. Laws are a dead letter, without courts to expound and define their true meaning and operation. The treaties of the United States, to have any force at all, must be considered as part of the law of the land. Their true import, as far as respects individuals, must,

like all other laws, be ascertained by judicial determinations. To produce uniformity in these determinations, they ought to be submitted, in the last resort, to one SUPREME TRIBUNAL. And this tribunal ought to be instituted under the same authority which forms the treaties themselves. These ingredients are both indispensable. If there is in each State a court of final jurisdiction, there may be as many different final determinations on the same point, as there are courts. There are endless diversities in the opinions of men. We often see not only different courts, but the Judges of the same court differing from each other. To avoid the confusion which would unavoidably result from the contradictory decisions of a number of independent judicatories, all nations have found it necessary to establish one court paramount to the rest, possessing a general superintendence, and authorized to settle and declare in the last resort a uniform rule of civil justice.

This is the more necessary where the frame of the Government is so compounded that the laws of the whole are in danger of being contravened by the laws of the parts. In this case, if the particular tribunals are invested with a right of ultimate jurisdiction, besides the contradictions to be expected from difference of opinion, there will be much to fear from the bias of local views and prejudices, and from the interference of local regulations. As often as such an interference was to happen, there would be reason to apprehend that the provisions of the particular laws might be preferred to those of the general laws; for nothing is more natural to men in office than to look with peculiar deference towards that authority to which they owe their official existence. The treaties of the United States, under the present Constitution, are liable to the infractions of thirteen different Legislatures, and as many different courts of final jurisdiction, acting under the authority of those

Legislatures. The faith, the reputation, the peace of the whole Union, are thus continually at the mercy of the prejudices, the passions, and the interests of every member of which it is composed. Is it possible that foreign nations can either respect or confide in such a Government? Is it possible that the People of America will longer consent to trust their honor, their happiness, their safety, on so precarious a foundation?

In this review of the Confederation, I have confined myself to the exhibition of its most material defects; passing over those imperfections in its details by which even a great part of the power intended to be conferred upon it has been in a great measure rendered abortive. It must be by this time evident to all men of reflection, who can divest themselves of the prepossessions of pre-conceived opinions, that it is a system so radically vicious and unsound, as to admit not of amendment but by an entire change in its leading features and characters.

The organization of Congress is itself utterly improper for the exercise of those powers which are necessary to be deposited in the Union. A single Assembly may be a proper receptacle of those slender, or rather fettered, authorities, which have been heretofore delegated to the Fœderal head; but it would be inconsistent with all the principles of good government, to intrust it with those additional powers, which, even the moderate and more rational adversaries of the proposed Constitution admit, ought to reside in the United States. If that plan should not be adopted; and if the necessity of the Union should be able to withstand the ambitious aims of those men, who may indulge magnificent schemes of personal aggrandizement from its dissolution; the probability would be, that we should run into the project of conferring supplementary powers upon Congress, as they are now constituted; and either the

machine, from the intrinsic feebleness of its structure, will moulder into pieces, in spite of our ill-judged efforts to prop it; or, by successive augmentations of its force and energy, as necessity might prompt, we shall finally accumulate, in a single body, all the most important prerogatives of sovereignty, and thus entail upon our posterity, one of the most execrable forms of Government that human infatuation ever contrived. Thus we should create in reality that very tyranny, which the adversaries of the new Constitution either are, or affect to be, solicitous to avert.

It has not a little contributed to the infirmities of the existing Foederal system, that it never had a ratification by the **PEOPLE**. Resting on no better foundation than the consent of the several Legislatures, it has been exposed to frequent and intricate questions concerning the validity of its powers; and has, in some instances, given birth to the enormous doctrine of a right of legislative repeal. Owing its ratification to the law of a State, it has been contended, that the same authority might repeal the law by which it was ratified. However gross a heresy it may be to maintain that a *party* to a *compact* has a right to revoke that *compact*, the doctrine itself has had respectable advocates. The possibility of a question of this nature, proves the necessity of laying the foundations of our National Government deeper than in the mere sanction of delegated authority. The fabric of American Empire ought to rest on the solid basis of **THE CONSENT OF THE PEOPLE**. The streams of National power ought to flow immediately from that pure original fountain of all legitimate authority.

PUBLIUS.

[From the *New York Packet*, Tuesday, December 18, 1787.]

## THE FEDERALIST. No. XXIII.

---

TO THE PEOPLE OF THE STATE OF NEW YORK:

THE necessity of a Constitution, at least equally energetic with the one proposed, to the preservation of the Union, is the point, at the examination of which we are now arrived.

This inquiry will naturally divide itself into three branches,—the objects to be provided for by the Fœderal Government; the quantity of power necessary to the accomplishment of those objects; the persons upon whom that power ought to operate. Its distribution and organization will more properly claim our attention under the succeeding head.

The principal purposes to be answered by Union are these,—the common defence of the members; the preservation of the public peace, as well against internal convulsions as external attacks; the regulation of commerce with other nations, and between the States; the superintendence of our intercourse, political and commercial, with foreign countries.

The authorities essential to the care of the common defence are these,—to raise armies; to build and equip fleets; to prescribe rules for the government of both; to direct their operations; to provide for their support. These powers ought to exist without limitation; because it is impossible to foresee or define the extent and variety of National exigencies, or the correspondent extent and variety of the means which may be necessary to satisfy them. The circumstances that endanger the safety of nations are infinite; and for this reason no constitutional shackles can wisely be imposed on the power to

which the care of it is committed. This power ought to be coextensive with all the possible combinations of such circumstances; and ought to be under the direction of the same councils which are appointed to preside over the common defence.

This is one of those truths which, to a correct and unprejudiced mind, carries its own evidence along with it; and may be obscured, but cannot be made plainer by argument or reasoning. It rests upon axioms as simple as they are universal; the *means* ought to be proportioned to the *end*; the persons, from whose agency the attainment of any *end* is expected, ought to possess the *means* by which it is to be attained.

Whether there ought to be a Fœderal Government intrusted with the care of the common defence, is a question in the first instance, open for discussion; but the moment it is decided in the affirmative, it will follow, that that Government ought to be clothed with all the powers requisite to the complete execution of its trust. And unless it can be shown, that the circumstances which may affect the public safety are reducible within certain determinate limits; unless the contrary of this position can be fairly and rationally disputed, it must be admitted, as a necessary consequence, that there can be no limitation of that authority, which is to provide for the defence and protection of the community, in any matter essential to its efficacy; that is, in any matter essential to the *formation, direction, or support of the NATIONAL FORCES.*

Defective as the present Confederation has been proved to be, this principle appears to have been fully recognized by the framers of it; though they have not made proper or adequate provision for its exercise. Congress have an unlimited discretion to make requisitions of men and money; to govern the army and navy; to direct their operations. As their requisitions

are made constitutionally binding upon the States, who are in fact under the most solemn obligations to furnish the supplies required of them, the intention evidently was, that the United States should command whatever resources were by them judged requisite to the "common defence and general welfare." It was presumed, that a sense of their true interests, and a regard to the dictates of good faith, would be found sufficient pledges for the punctual performance of the duty of the members to the Fœderal Head.

The experiment has, however, demonstrated, that this expectation was ill-founded and illusory; and the observations, made under the last head, will, I imagine, have sufficed to convince the impartial and discerning, that there is an absolute necessity for an entire change in the first principles of the system; that if we are in earnest about giving the Union energy and duration, we must abandon the vain project of legislating upon the States in their collective capacities; we must extend the laws of the Fœderal Government to the individual citizens of America; we must discard the fallacious scheme of quotas and requisitions, as equally impracticable and unjust. The result from all this is that the Union ought to be invested with full power to levy troops; to build and equip fleets; and to raise the revenues which will be required for the formation and support of an army and navy, in the customary and ordinary modes practised in other Governments.

If the circumstances of our country are such as to demand a compound instead of a simple, a confederate instead of a sole Government, the essential point which will remain to be adjusted will be to discriminate the OBJECTS, as far as it can be done, which shall appertain to the different provinces or departments of power; allowing to each the most ample authority for fulfilling the objects committed to its charge. Shall

the Union be constituted the guardian of the common safety ? Are fleets and armies, and revenues, necessary to this purpose ? The Government of the Union must be empowered to pass all laws, and to make all regulations which have relation to them. The same must be the case in respect to commerce, and to every other matter to which its jurisdiction is permitted to extend. Is the administration of justice between the citizens of the same State the proper department of the local Governments ? These must possess all the authorities which are connected with this object, and with every other that may be allotted to their particular cognizance and direction. Not to confer in each case a degree of power commensurate to the end, would be to violate the most obvious rules of prudence and propriety, and improvidently to trust the great interests of the Nation to hands which are disabled from managing them with vigor and success.

Who so likely to make suitable provisions for the public defence, as that body to which the guardianship of the public safety is confided ; which, as the centre of information, will best understand the extent and urgency of the dangers that threaten ; as the representative of the WHOLE, will feel itself most deeply interested in the preservation of every part ; which, from the responsibility implied in the duty assigned to it, will be most sensibly impressed with the necessity of proper exertions ; and which, by the extension of its authority throughout the States, can alone establish uniformity and concert in the plans and measures, by which the common safety is to be secured ? Is there not a manifest inconsistency in devolving upon the Federal Government the care of the general defence, and leaving in the State Governments the *effective* powers, by which it is to be provided for ? Is not a want of coöperation the infallible consequence of such a system ? And will not weakness, dis-

order, an undue distribution of the burdens and calamities of war, an unnecessary and intolerable increase of expense, be its natural and inevitable concomitants? Have we not had unequivocal experience of its effects in the course of the revolution, which we have just accomplished?

Every view we may take of the subject, as candid inquirers after truth, will serve to convince us, that it is both unwise and dangerous to deny the Fœderal Government an unconfined authority, as to all those objects which are intrusted to its management. It will indeed deserve the most vigilant and careful attention of the People, to see that it be modelled in such a manner as to admit of its being safely vested with the requisite powers. If any plan which has been, or may be, offered to our consideration, should not, upon a dispassionate inspection, be found to answer this description, it ought to be rejected. A Government, the Constitution of which renders it unfit to be trusted with all the powers which a free People *ought to delegate to any Government*, would be an unsafe and improper depositary of the NATIONAL INTERESTS. Wherever THESE can with propriety be confided, the coincident powers may safely accompany them. This is the true result of all just reasoning upon the subject. And the adversaries of the plan promulgated by the Convention ought to have confined themselves to showing, that the internal structure of the proposed Government was such as to render it unworthy of the confidence of the People. They ought not to have wandered into inflammatory declamations and unmeaning cavils, about the extent of the powers. The POWERS are not too extensive for the OBJECTS of Fœderal administration, or, in other words, for the management of our NATIONAL INTERESTS; nor can any satisfactory argument be framed to show that they are chargeable with such an excess. If it be true, as

has been insinuated by some of the writers on the other side, that the difficulty arises from the nature of the thing, and that the extent of the country will not permit us to form a Government in which such ample powers can safely be reposed, it would prove that we ought to contract our views, and resort to the expedient of separate Confederacies, which will move within more practicable spheres. For the absurdity must continually stare us in the face of confiding to a Government the direction of the most essential National interests, without daring to trust it with the authorities which are indispensable to their proper and efficient management. Let us not attempt to reconcile contradictions, but firmly embrace a rational alternative.

I trust, however, that the impracticability of one general system cannot be shown. I am greatly mistaken, if anything of weight has yet been advanced of this tendency; and I flatter myself, that the observations which have been made in the course of these papers have served to place the reverse of that position in as clear a light as any matter, still in the womb of time and experience, can be susceptible of. This, at all events, must be evident, that the very difficulty itself, drawn from the extent of the country, is the strongest argument in favor of an energetic Government; for any other can certainly never preserve the Union of so large an empire. If we embrace the tenets of those who oppose the adoption of the proposed Constitution, as the standard of our political creed, we cannot fail to verify the gloomy doctrines which predict the impracticability of a National system, pervading the entire limits of the present Confederacy.

PUBLIUS.

*For the Independent Journal.*

## THE FŒDERALIST. No. XXIV.

---

TO THE PEOPLE OF THE STATE OF NEW YORK :

**T**O the powers proposed to be conferred upon the Fœderal Government, in respect to the creation and direction of the National forces, I have met with but one specific objection; which, if I understand it right, is this,—that proper provision has not been made against the existence of standing armies in time of peace; an objection which, I shall now endeavor to show, rests on weak and unsubstantial foundations.

It has indeed been brought forward in the most vague and general form, supported only by bold assertions, without the appearance of argument; without even the sanction of theoretical opinions; in contradiction to the practice of other free nations, and to the general sense of America, as expressed in most of the existing Constitutions. The propriety of this remark will appear, the moment it is recollect that the objection under consideration turns upon a supposed necessity of restraining the **LEGISLATIVE** authority of the Nation, in the article of military establishments; a principle unheard of, except in one or two of our State Constitutions, and rejected in all the rest.

A stranger to our politics, who was to read our newspapers at the present juncture, without having previously inspected the plan reported by the Convention, would be naturally led to one of two conclusions: either that it contained a positive injunction, that standing armies should be kept up in time of peace; or that it vested in the **EXECUTIVE** the whole power of levying troops,

without subjecting his discretion, in any shape, to the control of the Legislature.

If he came afterwards to peruse the plan itself, he would be surprised to discover, that neither the one nor the other was the case ; that the whole power of raising armies was lodged in the *Legislature*, not in the *Executive* ; that this Legislature was to be a popular body, consisting of the representatives of the People periodically elected ; and that instead of the provision he had supposed in favor of standing armies, there was to be found, in respect to this object, an important qualification even of the legislative discretion, in that clause which forbids the appropriation of money for the support of an army for any longer period than two years : a precaution which, upon a nearer view of it, will appear to be a great and real security against the keeping up of troops without evident necessity.

Disappointed in his first surmise, the person I have supposed would be apt to pursue his conjectures a little further. He would naturally say to himself, it is impossible that all this vehement and pathetic declamation can be without some colorable pretext. It must needs be that this people, so jealous of their liberties, have, in all the preceding models of the Constitutions which they have established, inserted the most precise and rigid precautions on this point, the omission of which, in the new plan, has given birth to all this apprehension and clamor.

If, under this impression, he proceeded to pass in review the several State Constitutions, how great would be his disappointment to find that *two only* of them \*

\* This statement of the matter is taken from the printed collections of State Constitutions. Pennsylvania and North Carolina are the two which contain the interdiction in these words : "As standing armies in time of peace are dangerous to liberty, THEY OUGHT NOT to be kept up." This is, in truth, rather a CAUTION than a PROHIBITION. New Hampshire, Massachusetts, Delaware, and Maryland have, in each of their Bills of Rights, a clause to this effect : "Standing ar-

contained an interdiction of standing armies in time of peace; that the other eleven had either observed a profound silence on the subject, or had in express terms admitted the right of the Legislature to authorize their existence.

Still, however, he would be persuaded that there must be some plausible foundation for the cry raised on this head. He would never be able to imagine, while any source of information remained unexplored, that it was nothing more than an experiment upon the public credulity, dictated either by a deliberate intention to deceive, or by the overflowings of a zeal too intemperate to be ingenuous. It would probably occur to him, that he would be likely to find the precautions he was in search of in the primitive compact between the States. Here, at length, he would expect to meet with a solution of the enigma. No doubt, he would observe to himself, the existing Confederation must contain the most explicit provisions against military establishments in time of peace; and a departure from this model, in a favorite point, has occasioned the discontent which appears to influence these political champions.

If he should now apply himself to a careful and critical survey of the Articles of Confederation, his astonishment would not only be increased, but would acquire a mixture of indignation, at the unexpected discovery, that these Articles, instead of containing the prohibition he looked for, and though they had, with jealous circumspection, restricted the authority of the State Legislatures in this particular, had not imposed a single restraint

"mies are dangerous to liberty, and  
"ought not to be raised or kept up  
"WITHOUT THE CONSENT OF THE  
"LEGISLATURE;" which is a formal admission of the authority of the Legislature. NEW YORK has no Bill of Rights, and her Constitution says not a word about the matter. No Bills of Rights appear annexed to

the Constitutions of the other States, except the foregoing, and their Constitutions are equally silent. I am told, however, that one or two States have Bills of Rights which do not appear in this collection; but that those also recognize the right of the legislative authority in this respect.—*Publius.*

on that of the United States. If he happened to be a man of quick sensibility, or ardent temper, he could now no longer refrain from regarding these clamors as the dishonest artifices of a sinister and unprincipled opposition to a plan, which ought at least to receive a fair and candid examination from all sincere lovers of their country! How else, he would say, could the authors of them have been tempted to vent such loud censures upon that plan, about a point in which it seems to have conformed itself to the general sense of America as declared in its different forms of Government, and in which it has even superadded a new and powerful guard unknown to any of them? If, on the contrary, he happened to be a man of calm and dispassionate feelings, he would indulge a sigh for the frailty of human nature, and would lament, that in a matter so interesting to the happiness of millions, the true merits of the question should be perplexed and entangled by expedients so unfriendly to an impartial and right determination. Even such a man could hardly forbear remarking, that a conduct of this kind has too much the appearance of an intention to mislead the People by alarming their passions, rather than to convince them by arguments addressed to their understandings.

But however little this objection may be countenanced, even by precedents among ourselves, it may be satisfactory to take a nearer view of its intrinsic merits. From a close examination, it will appear, that restraints upon the discretion of the Legislature, in respect to military establishments in time of peace, would be improper to be imposed; and, if imposed, from the necessities of society, would be unlikely to be observed.

Though a wide ocean separates the United States from Europe, yet there are various considerations that warn us against an excess of confidence or security. On one side of us, and stretching far into our rear, are grow-

ing settlements subject to the dominion of Britain. On the other side, and extending to meet the British settlements, are colonies and establishments subject to the dominion of Spain. This situation, and the vicinity of the West India islands, belonging to these two powers, create between them, in respect to their American possessions, and in relation to us, a common interest. The savage tribes on our Western frontier ought to be regarded as our natural enemies, their natural allies; because they have most to fear from us, and most to hope from them. The improvements in the art of navigation, have, as to the facility of communication, rendered distant nations, in a great measure, neighbors. Britain and Spain are among the principal maritime powers of Europe. A future concert of views between these nations ought not to be regarded as improbable. The increasing remoteness of consanguinity is every day diminishing the force of the family compact between France and Spain. And politicians have ever with great reason considered the ties of blood as feeble and precarious links of political connection. These circumstances, combined, admonish us not to be too sanguine in considering ourselves as entirely out of the reach of danger.

Previous to the Revolution, and ever since the peace, there has been a constant necessity for keeping small garrisons on our Western frontier. No person can doubt that these will continue to be indispensable, if it should only be against the ravages and depredations of the Indians. These garrisons must either be furnished by occasional detachments from the militia, or by permanent corps in the pay of the Government. The first is impracticable; and if practicable, would be pernicious. The militia would not long, if at all, submit to be dragged from their occupations and families, to perform that most disagreeable duty in times of profound

peace. And if they could be prevailed upon, or compelled to do it, the increased expense of a frequent rotation of service, and the loss of labor, and disconcertion of the industrious pursuits of individuals, would form conclusive objections to the scheme. It would be as burdensome and injurious to the public as ruinous to private citizens. The latter resource of permanent corps in the pay of Government amounts to a standing army in time of peace; a small one, indeed, but not the less real for being small. Here is a simple view of the subject, that shows us at once the impropriety of a constitutional interdiction of such establishments, and the necessity of leaving the matter to the discretion and prudence of the Legislature.

In proportion to our increase in strength, it is probable, nay, it may be said certain, that Britain and Spain would augment their military establishments in our neighborhood. If we should not be willing to be exposed, in a naked and defenceless condition, to their insults or encroachments, we should find it expedient to increase our frontier garrisons, in some ratio to the force by which our Western settlements might be annoyed. There are, and will be, particular posts, the possession of which will include the command of large districts of territory, and facilitate future invasions of the remainder. It may be added, that some of those posts will be keys to the trade with the Indian nations. Can any man think it would be wise to leave such posts in a situation to be at any instant seized by one or the other of two neighboring and formidable powers? To act this part, would be to desert all the usual maxims of prudence and policy.

If we mean to be a commercial people, or even to be secure on our Atlantic side, we must endeavor, as soon as possible, to have a navy. To this purpose, there must be dock-yards and arsenals; and for the defence of

these, fortifications, and probably garrisons. When a nation has become so powerful by sea that it can protect its dock-yards by its fleets, this supersedes the necessity of garrisons for that purpose; but where naval establishments are in their infancy, moderate garrisons will, in all likelihood, be found an indispensable security against descents for the destruction of the arsenals and dock-yards, and sometimes of the fleet itself.

PUBLIUS.

---

[*From the New York Packet, Friday, December 21, 1787.*]

## THE FEDERALIST. No. XXV.

---

TO THE PEOPLE OF THE STATE OF NEW YORK:

IT may perhaps be urged, that the objects enumerated in the preceding number ought to be provided for by the State Governments, under the direction of the Union. But this would be, in reality, an inversion of the primary principle of our political association; as it would in practice transfer the care of the common defence from the Fœderal head to the individual members: a project oppressive to some States, dangerous to all, and baneful to the Confederacy.

The territories of Britain, Spain, and of the Indian nations in our neighborhood, do not border on particular States, but encircle the Union from MAINE to GEORGIA. The danger, though in different degrees, is therefore common. And the means of guarding against it ought, in like manner, to be the objects of common councils and of a common treasury. It happens that some States, from local situation, are more directly exposed. NEW YORK is of this class. Upon the plan of separate

provisions, New York would have to sustain the whole weight of the establishments requisite to her immediate safety, and to the mediate or ultimate protection of her neighbors. This would neither be equitable as it respected New York, nor safe as it respected the other States. Various inconveniences would attend such a system. The States, to whose lot it might fall to support the necessary establishments, would be as little able as willing, for a considerable time to come, to bear the burden of competent provisions. The security of all would thus be subjected to the parsimony, improvidence, or inability of a part. If the resources of such part becoming more abundant and extensive, its provisions should be proportionably enlarged, the other States would quickly take the alarm at seeing the whole military force of the Union in the hands of two or three of its members: and those probably amongst the most powerful. They would each choose to have some counterpoise; and pretences could easily be contrived. In this situation, military establishments, nourished by mutual jealousy, would be apt to swell beyond their natural or proper size; and being at the separate disposal of the members, they would be engines for the abridgment or demolition of the National authority.

Reasons have been already given to induce a supposition that the State Governments will too naturally be prone to a rivalship with that of the Union, the foundation of which will be the love of power; and that in any contest between the Fœderal head and one of its members, the People will be most apt to unite with their local Government. If, in addition to this immense advantage, the ambition of the members should be stimulated by the separate and independent possession of military forces, it would afford too strong a temptation, and too great facility to them to make enterprises upon, and finally to subvert, the constitutional authority of the

Union. On the other hand, the liberty of the People would be less safe in this state of things than in that which left the National forces in the hands of the National Government. As far as an army may be considered as a dangerous weapon of power, it had better be in those hands, of which the People are most likely to be jealous, than in those of which they are least likely to be jealous. For it is a truth which the experience of all ages has attested, that the People are always most in danger when the means of injuring their rights are in the possession of those of whom they entertain the least suspicion.

The framers of the existing Confederation, fully aware of the danger to the Union from the separate possession of military forces by the States, have, in express terms, prohibited them from having either ships or troops, unless with the consent of Congress. The truth is, that the existence of a Fœderal Government and military establishments, under State authority, are not less at variance with each other, than a due supply of the Fœderal treasury and the system of quotas and requisitions.

There are other lights besides those already taken notice of, in which the impropriety of restraints on the discretion of the National Legislature will be equally manifest. The design of the objection, which has been mentioned, is to preclude standing armies in time of peace; though we have never been informed how far it is designed the prohibition should extend: whether to raising armies, as well as to *keeping them up*, in a season of tranquillity, or not. If it be confined to the latter, it will have no precise signification, and it will be ineffectual for the purpose intended. When armies are once raised, what shall be denominated "keeping them up," contrary to the sense of the Constitution? What time shall be requisite to ascertain the violation? Shall it be a week, a month, a year? Or shall we say, they may be con-

tinued as long as the danger which occasioned their being raised continues? This would be to admit that they might be kept up *in time of peace*, against threatening or impending danger; which would be at once to deviate from the literal meaning of the prohibition, and to introduce an extensive latitude of construction. Who shall judge of the continuance of the danger? This must undoubtedly be submitted to the National Government; and the matter would then be brought to this issue, that the National Government, to provide against apprehended danger, might in the first instance raise troops, and might afterwards keep them on foot, as long as they supposed the peace or safety of the community was in any degree of jeopardy. It is easy to perceive, that a discretion so latitudinary as this would afford ample room for eluding the force of the provision.

The supposed utility of a provision of this kind can only be founded on the supposed probability, or at least possibility, of a combination between the Executive and the Legislative, in some scheme of usurpation. Should this at any time happen, how easy would it be to fabricate pretences of approaching danger! Indian hostilities, instigated by Spain or Britain, would always be at hand. Provocations to produce the desired appearances might even be given to some foreign power, and appeased again by timely concessions. If we can reasonably presume such a combination to have been formed, and that the enterprise is warranted by a sufficient prospect of success, the army when once raised, from whatever cause, or on whatever pretext, may be applied to the execution of the project.

If, to obviate this consequence, it should be resolved to extend the prohibition to the *raising* of armies in time of peace, the United States would then exhibit the most extraordinary spectacle which the world has yet seen,—that of a nation incapacitated by its Constit-

tution to prepare for defence, before it was actually invaded. As the ceremony of a formal denunciation of war has of late fallen into disuse, the presence of an enemy within our territories must be waited for, as the legal warrant to the Government to begin its levies of men for the protection of the State. We must receive the blow, before we could even prepare to return it. All that kind of policy by which nations anticipate distant danger, and meet the gathering storm, must be abstained from, as contrary to the genuine maxims of a free Government. We must expose our property and liberty to the mercy of foreign invaders, and invite them by our weakness to seize the naked and defenceless prey, because we are afraid that rulers, created by our choice, dependent on our will, might endanger that liberty, by an abuse of the means necessary to its preservation.

Here I expect we shall be told that the Militia of the country is its natural bulwark, and would be at all times equal to the National defence. This doctrine, in substance, had like to have lost us our independence. It cost millions to the United States that might have been saved. The facts, which from our own experience forbid a reliance of this kind, are too recent to permit us to be the dupes of such a suggestion. The steady operations of war against a regular and disciplined army can only be successfully conducted by a force of the same kind. Considerations of economy, not less than of stability and vigor, confirm this position. The American Militia, in the course of the late war, have, by their valor on numerous occasions, erected eternal monuments to their fame; but the bravest of them feel and know that the liberty of their country could not have been established by their efforts alone, however great and valuable they were. War, like most other things,

is a science to be acquired and perfected by diligence, by perseverance, by time, and by practice.

All violent policy, as it is contrary to the natural and experienced course of human affairs, defeats itself. Pennsylvania, at this instant, affords an example of the truth of this remark. The Bill of Rights of that State declares, that standing armies are dangerous to liberty, and ought not to be kept up in time of peace. Pennsylvania, nevertheless, in a time of profound peace, from the existence of partial disorders in one or two of her counties, has resolved to raise a body of troops: and in all probability, will keep them up as long as there is any appearance of danger to the public peace. The conduct of Massachusetts affords a lesson on the same subject, though on different ground. That State (without waiting for the sanction of Congress, as the Articles of the Confederation require) was compelled to raise troops to quell a domestic insurrection, and still keeps a corps in pay to prevent a revival of the spirit of revolt. The particular Constitution of Massachusetts opposed no obstacle to the measure; but the instance is still of use to instruct us, that cases are likely to occur under our Governments, as well as under those of other nations, which will sometimes render a military force in time of peace essential to the security of the society; and that it is therefore improper, in this respect, to control the Legislative discretion. It also teaches us, in its application to the United States, how little the rights of a feeble Government are likely to be respected, even by its own constituents. And it teaches us, in addition to the rest, how unequal parchment provisions are to a struggle with public necessity.

It was a fundamental maxim of the Lacedæmonian commonwealth, that the post of Admiral should not be conferred twice on the same person. The Peloponnesian confederates, having suffered a severe defeat at sea

from the Athenians, demanded LYSANDER, who had before served with success in that capacity, to command the combined fleets. The Lacedæmonians, to gratify their allies, and yet preserve the semblance of an adherence to their ancient institutions, had recourse to the flimsy subterfuge of investing LYSANDER with the real power of Admiral, under the nominal title of Vice-Admiral. This instance is selected from among a multitude that might be cited, to confirm the truth already advanced and illustrated by domestic examples ; which is, that nations pay little regard to rules and maxims, calculated in their very nature to run counter to the necessities of society. Wise politicians will be cautious about fettering the Government with restrictions, that cannot be observed ; because they know, that every breach of the fundamental laws, though dictated by necessity, impairs that sacred reverence, which ought to be maintained in the breast of rulers towards the Constitution of a country, and forms a precedent for other breaches, where the same plea of necessity does not exist at all, or is less urgent and palpable.

PUBLIUS.

---

*For the Independent Journal.*

## THE FŒDERALIST. No. XXVI.

TO THE PEOPLE OF THE STATE OF NEW YORK :

IT was a thing hardly to be expected that in a popular revolution the minds of men should stop at that happy mean which marks the salutary boundary between POWER and PRIVILEGE, and combines the

energy of Government with the security of private rights. A failure in this delicate and important point is the great source of the inconveniences we experience ; and if we are not cautious to avoid a repetition of the error, in our future attempts to rectify and ameliorate our system, we may travel from one chimerical project to another ; we may try change after change ; but we shall never be likely to make any material change for the better.

The idea of restraining the Legislative authority, in the means of providing for the National defence, is one of those refinements, which owe their origin to a zeal for liberty more ardent than enlightened. We have seen, however, that it has not had thus far an extensive prevalence ; that even in this country, where it made its first appearance, Pennsylvania and North Carolina are the only two States by which it has been in any degree patronized ; and that all the others have refused to give it the least countenance ; wisely judging that confidence must be placed somewhere ; that the necessity of doing it, is implied in the very act of delegating power ; and that it is better to hazard the abuse of that confidence, than to embarrass the Government and endanger the public safety, by impolitic restrictions on the Legislative authority. The opponents of the proposed Constitution combat, in this respect, the general decision of America ; and instead of being taught by experience the propriety of correcting any extremes into which we may have heretofore run, they appear disposed to conduct us into others still more dangerous, and more extravagant. As if the tone of Government had been found too high, or too rigid, the doctrines they teach are calculated to induce us to depress or to relax it, by expedients which, upon other occasions, have been condemned or forborne. It may be affirmed without the imputation of invective, that if the principles they

inculcate, on various points, could so far obtain as to become the popular creed, they would utterly unfit the People of this country for any species of Government whatever. But a danger of this kind is not to be apprehended. The citizens of America have too much discernment to be argued into anarchy. And I am much mistaken, if experience has not wrought a deep and solemn conviction in the public mind, that greater energy of Government is essential to the welfare and prosperity of the community.

It may not be amiss in this place concisely to remark the origin and progress of the idea, which aims at the exclusion of military establishments in time of peace. Though in speculative minds it may arise from a contemplation of the nature and tendency of such institutions, fortified by the events that have happened in other ages and countries, yet as a National sentiment, it must be traced to those habits of thinking, which we derive from the nation from whom the inhabitants of these States have in general sprung.

In England, for a long time after the Norman Conquest, the authority of the monarch was almost unlimited. Inroads were gradually made upon the prerogative, in favor of liberty, first by the Barons, and afterwards by the People, till the greatest part of its most formidable pretensions became extinct. But it was not till the revolution in 1688, which elevated the Prince of Orange to the throne of Great Britain, that English liberty was completely triumphant. As incident to the undefined power of making war, an acknowledged prerogative of the crown, CHARLES II. had, by his own authority, kept on foot in time of peace a body of 5,000 regular troops. And this number JAMES II. increased to 30,000; who were paid out of his civil list. At the revolution, to abolish the exercise of so dangerous an authority, it became an article of the Bill

of Rights then framed, that “the raising or keeping a “standing army within the kingdom in time of peace, “unless with the consent of Parliament, was against “law.”

In that kingdom, when the pulse of liberty was at its highest pitch, no security against the danger of standing armies was thought requisite, beyond a prohibition of their being raised or kept up by the mere authority of the Executive magistrate. The patriots, who effected that memorable revolution, were too temperate, and too well-informed, to think of any restraint on the Legislative discretion. They were aware, that a certain number of troops for guards and garrisons were indispensable; that no precise bounds could be set to the National exigencies; that a power equal to every possible contingency must exist somewhere in the Government: and that when they referred the exercise of that power to the judgment of the Legislature, they had arrived at the ultimate point of precaution, which was reconcilable with the safety of the community.

From the same source, the People of America may be said to have derived a hereditary impression of danger to liberty, from standing armies in time of peace. The circumstances of a revolution quickened the public sensibility on every point connected with the security of popular rights; and in some instances raised the warmth of our zeal beyond the degree, which consisted with the due temperature of the body politic. The attempts of two of the States, to restrict the authority of the Legislature in the article of military establishments, are of the number of these instances. The principles which had taught us to be jealous of the power of a hereditary monarch, were by an injudicious excess extended to the representatives of the People in their popular assemblies. Even in some of the States, where this error was not adopted, we find unnecessary declarations,

that standing armies ought not to be kept up, in time of peace, WITHOUT THE CONSENT OF THE LEGISLATURE. I call them unnecessary, because the reason which had introduced a similar provision into the English Bill of Rights is not applicable to any of the State Constitutions. The power of raising armies at all, under those Constitutions, can by no construction be deemed to reside anywhere else, than in the Legislatures themselves ; and it was superfluous, if not absurd, to declare, that a matter should not be done without the consent of a body, which alone had the power of doing it. Accordingly, in some of those Constitutions, and among others, in that of this State of New York, which has been justly celebrated, both in Europe and America, as one of the best of the forms of Government established in this country, there is a total silence upon the subject.

It is remarkable, that even in the two States, which seem to have meditated an interdiction of military establishments in time of peace, the mode of expression made use of is rather cautionary than prohibitory. It is not said, that standing armies *shall not* be kept up, but that they *ought not* to be kept up, in time of peace. This ambiguity of terms appears to have been the result of a conflict between jealousy and conviction ; between the desire of excluding such establishments at all events, and the persuasion that an absolute exclusion would be unwise and unsafe.

Can it be doubted that such a provision, whenever the situation of public affairs was understood to require a departure from it, would be interpreted by the Legislature into a mere admonition, and would be made to yield to the necessities or supposed necessities of the State ? Let the fact already mentioned, with respect to Pennsylvania, decide. What then (it may be asked) is the use of such a provision, if it cease to operate the moment there is an inclination to disregard it ?

Let us examine whether there be any comparison, in point of efficacy, between the provision alluded to, and that which is contained in the New Constitution, for restraining the appropriations of money for military purposes to the period of two years. The former, by aiming at too much, is calculated to effect nothing: the latter, by steering clear of an imprudent extreme, and by being perfectly compatible with a proper provision for the exigencies of the Nation, will have a salutary and powerful operation.

The Legislature of the United States will be *obliged*, by this provision, once at least in every two years, to deliberate upon the propriety of keeping a military force on foot; to come to a new resolution on the point; and to declare their sense of the matter, by a formal vote in the face of their constituents. They are not *at liberty* to vest in the Executive department permanent funds for the support of an army, if they were even incautious enough to be willing to repose in it so improper a confidence. As the spirit of party, in different degrees, must be expected to infect all political bodies, there will be, no doubt, persons in the National Legislature willing enough to arraign the measures and criminate the views of the majority. The provision for the support of a military force will always be a favorable topic for declamation. As often as the question comes forward, the public attention will be roused and attracted to the subject, by the party in opposition; and if the majority should be really disposed to exceed the proper limits, the community will be warned of the danger, and will have an opportunity of taking measures to guard against it. Independent of parties in the National Legislature itself, as often as the period of discussion arrived, the State Legislatures, who will always be not only vigilant, but suspicious and jealous guardians of the rights of the citizens, against encroachments from the Fœderal

Government, will constantly have their attention awake to the conduct of the National rulers, and will be ready enough, if anything improper appears, to sound the alarm to the People, and not only to be the voice, but, if necessary, the *ARM* of their discontent.

Schemes to subvert the liberties of a great community *require time* to mature them for execution. An army, so large as seriously to menace those liberties, could only be formed by progressive augmentations; which would suppose, not merely a temporary combination between the Legislature and Executive, but a continued conspiracy for a series of time. Is it probable that such a combination would exist at all? Is it probable that it would be persevered in, and transmitted along through all the successive variations in a representative body, which biennial elections would naturally produce in both houses? Is it presumable, that every man, the instant he took his seat in the National Senate or House of Representatives, would commence a traitor to his constituents and to his country? Can it be supposed, that there would not be found one man, discerning enough to detect so atrocious a conspiracy, or bold or honest enough to apprise his constituents of their danger? If such presumptions can fairly be made, there ought at once to be an end of all delegated authority. The People should resolve to recall all the powers they have heretofore parted with out of their own hands, and to divide themselves into as many States as there are counties, in order that they may be able to manage their own concerns in person.

If such suppositions could even be reasonably made, still the concealment of the design, for any duration, would be impracticable. It would be announced, by the very circumstance of augmenting the army to so great an extent, in time of profound peace. What colorable reason could be assigned, in a country so situ-

ated, for such vast augmentations of the military force ? It is impossible that the People could be long deceived ; and the destruction of the project, and of the projectors, would quickly follow the discovery.

It has been said, that the provision which limits the appropriation of money for the support of an army to the period of two years would be unavailing ; because the Executive, when once possessed of a force large enough to awe the People into submission, would find resources in that very force, sufficient to enable him to dispense with supplies from the acts of the Legislature. But the question again recurs : upon what pretence could he be put in possession of a force of that magnitude in time of peace ? If we suppose it to have been created in consequence of some domestic insurrection or foreign war, then it becomes a case not within the principles of the objection ; for this is levelled against the power of keeping up troops in time of peace. Few persons will be so visionary, as seriously to contend that military forces ought not to be raised to quell a rebellion, or resist an invasion ; and if the defence of the community, under such circumstances, should make it necessary to have an army so numerous as to hazard its liberty, this is one of those calamities for which there is neither preventative nor cure. It cannot be provided against by any possible form of Government : it might even result from a simple league offensive and defensive, if it should ever be necessary for the confederates or allies to form an army for common defence.

But it is an evil infinitely less likely to attend us in an united than in a disunited state : nay, it may be safely asserted that it is an evil altogether unlikely to attend us in the latter situation. It is not easy to conceive a possibility that dangers so formidable can assail the whole Union, as to demand a force considerable enough to place our liberties in the least jeopardy, especially if

we take into our view the aid to be derived from the militia, which ought always to be counted upon as a valuable and powerful auxiliary. But in a state of disunion, (as has been fully shown in another place,) the contrary of this supposition would become not only probable, but almost unavoidable.

PUBLIUS.

---

[*From the New York Packet, Tuesday, December 25, 1787.*]

## THE FœDERALIST. No. XXVII.

---

TO THE PEOPLE OF THE STATE OF NEW YORK:

**I**T has been urged, in different shapes, that a Constitution of the kind proposed by the Convention, cannot operate without the aid of a military force to execute its laws. This, however, like most other things that have been alleged on that side, rests on mere general assertion, unsupported by any precise or intelligible designation of the reasons upon which it is founded. As far as I have been able to divine the latent meaning of the objectors, it seems to originate in a presupposition, that the People will be disinclined to the exercise of Fœderal authority in any matter of an internal nature. Waiving any exception that might be taken to the inaccuracy, or inexplicitness, of the distinction between internal and external, let us inquire what ground there is to presuppose that disinclination in the People. Unless we presume, at the same time, that the powers of the general Government will be worse administered than those of the State Governments, there seems to be no room for the presumption of ill-will, disaffection, or opposition in the People. I believe it may be laid down

as a general rule, that their confidence in, and obedience to a Government, will commonly be proportioned to the goodness or badness of its administration. It must be admitted, that there are exceptions to this rule; but these exceptions depend so entirely on accidental causes, that they cannot be considered as having any relation to the intrinsic merits or demerits of a Constitution. These can only be judged of by general principles and maxims.

Various reasons have been suggested, in the course of these papers, to induce a probability, that the general Government will be better administered than the particular Governments; the principal of which reasons are, that the extension of the spheres of election will present a greater option, or latitude of choice, to the People; that through the medium of the State Legislatures—which are select bodies of men, and who are to appoint the members of the National Senate—there is reason to expect that this branch will generally be composed with peculiar care and judgment; that these circumstances promise greater knowledge, and more extensive information, in the National councils; and that they will be less apt to be tainted by the spirit of faction, and more out of the reach of those occasional ill-humors, or temporary prejudices and propensities, which, in smaller societies, frequently contaminate the public councils, beget injustice and oppression of a part of the community, and engender schemes, which, though they gratify a momentary inclination or desire, terminate in general distress, dissatisfaction, and disgust. Several additional reasons of considerable force, to fortify that probability, will occur, when we come to survey, with a more critic eye, the interior structure of the edifice which we are invited to erect. It will be sufficient here to remark, that until satisfactory reasons can be assigned to justify an opinion, that the Foederal Government is likely to be

administered in such a manner as to render it odious or contemptible to the People, there can be no reasonable foundation for the supposition, that the laws of the Union will meet with any greater obstruction from them, or will stand in need of any other methods to enforce their execution, than the laws of the particular members.

The hope of impunity is a strong incitement to sedition : the dread of punishment, a proportionably strong discouragement to it. Will not the Government of the Union, which, if possessed of a due degree of power, can call to its aid the collective resources of the whole Confederacy, be more likely to repress the *former* sentiment and to inspire the *latter*, than that of a single State, which can only command the resources within itself ? A turbulent faction in a State may easily suppose itself able to contend with the friends to the Government in that State ; but it can hardly be so infatuated as to imagine itself a match for the combined efforts of the Union. If this reflection be just, there is less danger of resistance from irregular combinations of individuals, to the authority of the Confederacy, than to that of a single member.

I will, in this place, hazard an observation, which will not be the less just, because to some it may appear new ; which is, that the more the operations of the National authority are intermingled in the ordinary exercise of Government ; the more the citizens are accustomed to meet with it in the common occurrences of their political life ; the more it is familiarized to their sight and to their feelings ; the further it enters into those objects which touch the most sensible chords, and put in motion the most active springs of the human heart ; the greater will be the probability, that it will conciliate the respect and attachment of the community. Man is very much a creature of habit. A thing that rarely strikes his senses, will generally have but little influence upon his mind. A

Government continually at a distance and out of sight can hardly be expected to interest the sensations of the People. The inference is, that the authority of the Union, and the affections of the citizens towards it, will be strengthened, rather than weakened, by its extension to what are called matters of internal concern; and will have less occasion to recur to force, in proportion to the familiarity and comprehensiveness of its agency. The more it circulates through those channels and currents, in which the passions of mankind naturally flow, the less will it require the aid of the violent and perilous expedients of compulsion.

One thing, at all events, must be evident, that a Government like the one proposed would bid much fairer to avoid the necessity of using force, than that species of league contended for by most of its opponents; the authority of which should only operate upon the States in their political or collective capacities. It has been shown, that in such a Confederacy there can be no sanction for the laws but force; that frequent delinquencies in the members are the natural offspring of the very frame of the Government; and that as often as these happen, they can only be redressed, if at all, by war and violence.

The plan reported by the Convention, by extending the authority of the Fœderal head to the individual citizens of the several States, will enable the Government to employ the ordinary magistracy of each, in the execution of its laws. It is easy to perceive that this will tend to destroy, in the common apprehension, all distinction between the sources from which they might proceed; and will give the Fœderal Government the same advantage for securing a due obedience to its authority, which is enjoyed by the Government of each State, in addition to the influence on public opinion, which will result from the important consideration of

its having power to call to its assistance and support the resources of the whole Union. It merits particular attention in this place, that the laws of the Confederacy, as to the *enumerated* and *legitimate* objects of its jurisdiction, will become the **SUPREME LAW** of the land ; to the observance of which, all officers, Legislative, Executive, and Judicial, in each State, will be bound by the sanctity of an oath. Thus the Legislatures, Courts, and Magistrates, of the respective members, will be incorporated into the operations of the National Government *as far as its just and constitutional authority extends* ; and will be rendered auxiliary to the enforcement of its laws.\* Any man, who will pursue, by his own reflections, the consequences of this situation, will perceive, that there is good ground to calculate upon a regular and peaceable execution of the laws of the Union ; if its powers are administered with a common share of prudence. If we will arbitrarily suppose the contrary, we may deduce any inferences we please from the supposition ; for it is certainly possible, by an injudicious exercise of the authorities of the best Government that ever was, or ever can be instituted, to provoke and precipitate the People into the wildest excesses. But though the adversaries of the proposed Constitution should presume, that the National rulers would be insensible to the motives of public good, or to the obligations of duty, I would still ask them, how the interests of ambition, or the views of encroachment, can be promoted by such a conduct ?

PUBLIUS.

\* The sophistry which has been employed, to show that this will tend to the destruction of the State Governments will, in its proper place, be fully detected.—*Publius.*

*For the Independent Journal.*

## THE FŒDERALIST. No. XXVIII.

---

TO THE PEOPLE OF THE STATE OF NEW YORK:

**T**HAT there may happen cases in which the National Government may be necessitated to resort to force, cannot be denied. Our own experience has corroborated the lessons taught by the examples of other nations; that emergencies of this sort will sometimes arise in all societies, however constituted; that seditions and insurrections are, unhappily, maladies as inseparable from the body politic, as tumors and eruptions from the natural body; that the idea of governing at all times by the simple force of law (which we have been told is the only admissible principle of republican Government) has no place but in the reveries of those political doctors, whose sagacity despairs the admonitions of experimental instruction.

Should such emergencies at any time happen under the National Government, there could be no remedy but force. The means to be employed must be proportioned to the extent of the mischief. If it should be a slight commotion in a small part of a State, the militia of the residue would be adequate to its suppression; and the natural presumption is, that they would be ready to do their duty. An insurrection, whatever may be its immediate cause, eventually endangers all Government. Regard to the public peace, if not to the rights of the Union, would engage the citizens, to whom the contagion had not communicated itself, to oppose the insurgents: and if the general Government should be found in practice conducive to the prosperity and felicity of

the People, it were irrational to believe that they would be disinclined to its support.

If, on the contrary, the insurrection should pervade a whole State, or a principal part of it, the employment of a different kind of force might become unavoidable. It appears that Massachusetts found it necessary to raise troops for repressing the disorders within that State: that Pennsylvania, from the mere apprehension of commotions among a part of her citizens, has thought proper to have recourse to the same measure. Suppose the State of New York had been inclined to reestablish her lost jurisdiction over the inhabitants of Vermont; could she have hoped for success in such an enterprise from the efforts of the militia alone? Would she not have been compelled to raise and to maintain a more regular force for the execution of her design? If it must then be admitted, that the necessity of recurring to a force different from the militia, in cases of this extraordinary nature, is applicable to the State Governments themselves, why should the possibility, that the National Government might be under a like necessity, in similar extremities, be made an objection to its existence? Is it not surprising that men who declare an attachment to the Union in the abstract, should urge, as an objection to the proposed Constitution, what applies with tenfold weight to the plan for which they contend; and what, as far as it has any foundation in truth, is an inevitable consequence of civil society upon an enlarged scale? Who would not prefer that possibility, to the unceasing agitations, and frequent revolutions, which are the continual scourges of petty republics?

Let us pursue this examination in another light. Suppose, in lieu of one general system, two or three, or even four Confederacies were to be formed, would not the same difficulty oppose itself to the operations of either of these Confederacies? Would not each of

them be exposed to the same casualties ; and when these happened, be obliged to have recourse to the same expedients for upholding its authority, which are objected to a Government for all the States ? Would the militia, in this supposition, be more ready or more able to support the Fœderal authority, than in the case of a general Union ? All candid and intelligent men must, upon due consideration, acknowledge that the principle of the objection is equally applicable to either of the two cases ; and that whether we have one Government for all the States, or different Governments for different parcels of them, or even if there should be an entire separation of the States, there might sometimes be a necessity to make use of a force constituted differently from the militia, to preserve the peace of the community, and to maintain the just authority of the laws against those violent invasions of them, which amount to insurrections and rebellions.

Independent of all other reasonings upon the subject, it is a full answer to those who require a more peremptory provision against military establishments in time of peace, to say, that the whole power of the proposed Government is to be in the hands of the representatives of the People. This is the essential, and after all, only efficacious security for the rights and privileges of the People, which is attainable in civil society.\*

If the representatives of the People betray their constituents, there is then no resource left but in the exertion of that original right of self-defence, which is paramount to all positive forms of Government ; and which, against the usurpations of the National rulers, may be exerted with infinitely better prospect of success than against those of the rulers of an individual State. In a single State, if the persons intrusted with supreme power become usurpers, the different parcels, subdivis-

\* Its full efficacy will be examined hereafter.—*Publius.*

ions, or districts of which it consists, having no distinct Government in each, can take no regular measures for defence. The citizens must rush tumultuously to arms, without concert, without system, without resource ; except in their courage and despair. The usurpers, clothed with the forms of legal authority, can too often crush the opposition in embryo. The smaller the extent of territory, the more difficult will it be for the People to form a regular, or systematic plan of opposition ; and the more easy will it be to defeat their early efforts. Intelligence can be more speedily obtained of their preparations and movements ; and the military force in the possession of the usurpers, can be more rapidly directed against the part where the opposition has begun. In this situation, there must be a peculiar coincidence of circumstances to insure success to the popular resistance.

The obstacles to usurpation and the facilities of resistance increase with the increased extent of the State ; provided the citizens understand their rights, and are disposed to defend them. The natural strength of the People in a large community, in proportion to the artificial strength of the Government, is greater than in a small ; and of course more competent to a struggle with the attempts of the Government to establish a tyranny. But in a Confederacy, the People, without exaggeration, may be said to be entirely the masters of their own fate. Power being almost always the rival of power, the general Government will at all times stand ready to check the usurpations of the State Governments ; and these will have the same disposition towards the general Government. The People, by throwing themselves into either scale, will infallibly make it preponderate. If their rights are invaded by either, they can make use of the other, as the instrument of redress. How wise will it be in them, by cherishing the Union, to preserve to themselves an advantage which can never be too highly prized !

It may safely be received as an axiom in our political system, that the State Governments will, in all possible contingencies, afford complete security against invasions of the public liberty by the National authority. Projects of usurpation cannot be masked under pretences so likely to escape the penetration of select bodies of men, as of the People at large. The Legislatures will have better means of information. They can discover the danger at a distance ; and possessing all the organs of civil power, and the confidence of the People, they can at once adopt a regular plan of opposition, in which they can combine all the resources of the community. They can readily communicate with each other in the different States ; and unite their common forces, for the protection of their common liberty.

The great extent of the country is a further security. We have already experienced its utility against the attacks of a foreign power. And it would have precisely the same effect against the enterprises of ambitious rulers in the National councils. If the Fœderal army should be able to quell the resistance of one State, the distant States would have it in their power to make head with fresh forces. The advantages obtained in one place must be abandoned, to subdue the opposition in others ; and the moment the part which had been reduced to submission was left to itself, its efforts would be renewed, and its resistance revive.

We should recollect that the extent of the military force must, at all events, be regulated by the resources of the country. For a long time to come, it will not be possible to maintain a large army ; and as the means of doing this increase, the population and natural strength of the community will proportionably increase. When will the time arrive, that the Fœderal Government can raise and maintain an army capable of erecting a despotism over the great body of the People of an immense

empire, who are in a situation, through the medium of their State Governments, to take measures for their own defence, with all the celerity, regularity, and system of independent nations? The apprehension may be considered as a disease, for which there can be found no cure in the resources of argument and reasoning.

PUBLIUS.

---

[*From the New York Packet, Friday, December 28, 1787.*]

## THE FŒDERALIST. No. XXIX.

---

TO THE PEOPLE OF THE STATE OF NEW YORK :

IT has been already observed, that the Fœderal Government ought to possess the power of providing for the support of the National forces; in which proposition was intended to be included the expense of raising troops, of building and equipping fleets, and all other expenses in any wise connected with military arrangements and operations. But these are not the only objects to which the jurisdiction of the Union, in respect to revenue, must necessarily be empowered to extend. It must embrace a provision for the support of the National civil list; for the payment of the National debts contracted, or that may be contracted; and, in general, for all those matters which will call for disbursements out of the National treasury. The conclusion is, that there must be interwoven, in the frame of the Government, a general power of taxation, in one shape or another.

Money is, with propriety, considered as the vital principle of the body politic; as that which sustains its life and motion, and enables it to perform its most essential

functions. A complete power, therefore, to procure a regular and adequate supply of it, as far as the resources of the community will permit, may be regarded as an indispensable ingredient in every Constitution. From a deficiency in this particular, one of two evils must ensue : either the People must be subjected to continual plunder, as a substitute for a more eligible mode of supplying the public wants, or the Government must sink into a fatal atrophy, and, in a short course of time, perish.

In the Ottoman or Turkish empire, the sovereign, though in other respects absolute master of the lives and fortunes of his subjects, has no right to impose a new tax. The consequence is, that he permits the Bashaws or Governors of provinces to pillage the People without mercy ; and, in turn, squeezes out of them the sums of which he stands in need, to satisfy his own exigencies, and those of the State. In America, from a like cause, the Government of the Union has gradually dwindled into a state of decay, approaching nearly to annihilation. Who can doubt, that the happiness of the People in both countries would be promoted by competent authorities in the proper hands, to provide the revenues which the necessities of the public might require ?

The present Confederation, feeble as it is, intended to repose in the United States an unlimited power of providing for the pecuniary wants of the Union. But proceeding upon an erroneous principle, it has been done in such a manner as entirely to have frustrated the intention. Congress, by the Articles which compose that compact, (as has been already stated,) are authorized to ascertain and call for any sums of money necessary, in their judgment, to the service of the United States ; and their requisitions, if conformable to the rule of apportionment, are, in every constitutional sense,

obligatory upon the States. These have no right to question the propriety of the demand; no discretion beyond that of devising the ways and means of furnishing the sums demanded. But though this be strictly and truly the case; though the assumption of such a right would be an infringement of the Articles of Union; though it may seldom or never have been avowedly claimed; yet in practice it has been constantly exercised; and would continue to be so, as long as the revenues of the Confederacy should remain dependent on the intermediate agency of its members. What the consequences of this system have been, is within the knowledge of every man the least conversant in our public affairs, and has been amply unfolded in different parts of these inquiries. It is this which has chiefly contributed to reduce us to a situation, which affords ample cause both of mortification to ourselves, and of triumph to our enemies.

What remedy can there be for this situation, but in a change of the system which has produced it?—In a change of the fallacious and delusive system of quotas and requisitions? What substitute can there be imagined for this *ignis fatuus* in finance, but that of permitting the National Government to raise its own revenues by the ordinary methods of taxation, authorized in every well-ordered Constitution of civil Government? Ingenious men may declaim with plausibility on any subject; but no human ingenuity can point out any other expedient to rescue us from the inconveniences and embarrassments naturally resulting from defective supplies of the public treasury.

The more intelligent adversaries of the new Constitution admit the force of this reasoning; but they qualify their admission, by a distinction between what they call *internal* and *external* taxation. The former they would reserve to the State Governments; the latter,

which they explain into commercial imposts, or rather duties on imported articles, they declare themselves willing to concede to the Federal Head. This distinction, however, would violate that fundamental maxim of good sense and sound policy, which dictates that every POWER ought to be proportionate to its OBJECT ; and would still leave the General Government in a kind of tutelage to the State Governments, inconsistent with every idea of vigor or efficiency. Who can pretend that commercial imposts are, or would be, alone equal to the present and future exigencies of the Union ? Taking into the account the existing debt, foreign and domestic, upon any plan of extinguishment which a man moderately impressed with the importance of public justice and public credit could approve, in addition to the establishments which all parties will acknowledge to be necessary, we could not reasonably flatter ourselves, that this resource alone, upon the most improved scale, would even suffice for its present necessities. Its future necessities admit not of calculation or limitation ; and upon the principle, more than once adverted to, the power of making provision for them as they arise ought to be equally unconfined. I believe it may be regarded as a position warranted by the history of mankind, that *in the usual progress of things, the necessities of a nation, in every stage of its existence, will be found at least equal to its resources.*

To say that deficiencies may be provided for by requisitions upon the States, is on the one hand to acknowledge that this system cannot be depended upon ; and on the other hand, to depend upon it for everything beyond a certain limit. Those who have carefully attended to its vices and deformities, as they have been exhibited by experience, or delineated in the course of these papers, must feel invincible repugnancy to trusting the National interests in any degree to its opera-

tion. Its inevitable tendency, whenever it is brought into activity, must be to enfeeble the Union, and sow the seeds of discord and contention between the Fœderal Head and its members, and between the members themselves. Can it be expected that the deficiencies would be better supplied in this mode, than the total wants of the Union have heretofore been supplied, in the same mode ? It ought to be recollected, that if less will be required from the States, they will have proportionably less means to answer the demand. If the opinions of those who contend for the distinction which has been mentioned were to be received as evidence of truth, one would be led to conclude, that there was some known point in the economy of National affairs, at which it would be safe to stop, and to say : Thus far, the ends of public happiness will be promoted by supplying the wants of Government, and all beyond this is unworthy of our care or anxiety. How is it possible that a Government, half supplied and always necessitous, can fulfil the purposes of its institution ; can provide for the security, advance the prosperity, or support the reputation of the Commonwealth ? How can it ever possess either energy or stability, dignity or credit, confidence at home or respectability abroad ? How can its administration be anything else than a succession of expedients temporizing, impotent, disgraceful ? How will it be able to avoid a frequent sacrifice of its engagements to immediate necessity ? How can it undertake or execute any liberal or enlarged plans of public good ?

Let us attend to what would be the effects of this situation, in the very first war in which we should happen to be engaged. We will presume, for argument sake, that the revenue arising from the impost duties answers the purposes of a provision for the public debt, and of a peace establishment for the Union. Thus cir-

cumstanced, a war breaks out. What would be the probable conduct of the Government in such an emergency? Taught by experience that proper dependence could not be placed on the success of requisitions, unable by its own authority to lay hold of fresh resources, and urged by considerations of National danger, would it not be driven to the expedient of diverting the funds already appropriated, from their proper objects, to the defence of the State? It is not easy to see how a step of this kind could be avoided; and if it should be taken, it is evident that it would prove the destruction of public credit at the very moment that it was become essential to the public safety. To imagine that at such a crisis credit might be dispensed with, would be the extreme of infatuation. In the modern system of war, nations the most wealthy are obliged to have recourse to large loans. A country so little opulent as ours must feel this necessity in a much stronger degree. But who would lend to a Government, that prefaced its overtures for borrowing by an act which demonstrated that no reliance could be placed on the steadiness of its measures for paying? The loans it might be able to procure would be as limited in their extent as burdensome in their conditions. They would be made upon the same principles that usurers commonly lend to bankrupt and fraudulent debtors,—with a sparing hand and at enormous premiums.

It may perhaps be imagined, that, from the scantiness of the resources of the country, the necessity of diverting the established funds in the case supposed would exist, though the National Government should possess an unrestrained power of taxation. But two considerations will serve to quiet all apprehension on this head: one is, that we are sure the resources of the community, in their full extent, will be brought into activity for the benefit of the Union; the other is, that whatever defi-

ciencies there may be, can without difficulty be supplied by loans.

The power of creating new funds upon new objects of taxation, by its own authority, would enable the National Government to borrow, as far as its necessities might require. Foreigners, as well as the citizens of America, could then reasonably repose confidence in its engagements: but to depend upon a Government that must itself depend upon thirteen other Governments for the means of fulfilling its contracts, when once its situation is clearly understood, would require a degree of credulity not often to be met with in the pecuniary transactions of mankind, and little reconcilable with the usual sharp-sightedness of avarice.

Reflections of this kind may have trifling weight with men who hope to see realized in America the haleyon scenes of the poetic or fabulous age; but to those who believe we are likely to experience a common portion of the vicissitudes and calamities which have fallen to the lot of other nations, they must appear entitled to serious attention. Such men must behold the actual situation of their country with painful solicitude, and deprecate the evils which ambition or revenge might, with too much facility, inflict upon it.

PUBLIUS.

---

[*From the New York Packet, Tuesday, January 1, 1788.*]

## THE FŒDERALIST. No. XXX.

---

TO THE PEOPLE OF THE STATE OF NEW YORK :

**I**N disquisitions of every kind, there are certain primary truths, or first principles, upon which all subsequent reasonings must depend. These contain an

internal evidence, which, antecedent to all reflection or combination, commands the assent of the mind. Where it produces not this effect, it must proceed either from some defect or disorder in the organs of perception, or from the influence of some strong interest, or passion, or prejudice. Of this nature are the maxims in geometry, that “The whole is greater than its part; that things equal to the same, are equal to one another; that two straight lines cannot enclose a space ; and that all right angles are equal to each other.” Of the same nature are these other maxims in ethics and politics, that there cannot be an effect without a cause ; that the means ought to be proportioned to the end ; that every power ought to be commensurate with its object ; that there ought to be no limitation of a power destined to effect a purpose which is itself incapable of limitation. And there are other truths in the two latter sciences, which, if they cannot pretend to rank in the class of axioms, are yet such direct inferences from them, and so obvious in themselves, and so agreeable to the natural and unsophisticated dictates of common sense, that they challenge the assent of a sound and unbiased mind, with a degree of force and conviction almost equally irresistible.

The objects of geometrical inquiry are so entirely abstracted from those pursuits which stir up and put in motion the unruly passions of the human heart, that mankind, without difficulty, adopt not only the more simple theorems of the science, but even those abstruse paradoxes which, however they may appear susceptible of demonstration, are at variance with the natural conceptions which the mind, without the aid of philosophy, would be led to entertain upon the subject. The INFINITE DIVISIBILITY of matter, or, in other words, the INFINITE divisibility of a FINITE thing, extending even to the minutest atom, is a point agreed among geom-

tricians, though not less incomprehensible to common sense than any of those mysteries in religion, against which the batteries of infidelity have been so industriously levelled.

But in the sciences of morals and politics, men are found far less tractable. To a certain degree, it is right and useful that this should be the case. Caution and investigation are a necessary armor against error and imposition. But this untractableness may be carried too far, and may degenerate into obstinacy, perverseness, or disingenuity. Though it cannot be pretended, that the principles of moral and political knowledge have, in general, the same degree of certainty with those of the mathematics; yet they have much better claims in this respect than, to judge from the conduct of men in particular situations, we should be disposed to allow them. The obscurity is much oftener in the passions and prejudices of the reasoner, than in the subject. Men, upon too many occasions, do not give their own understandings fair play; but yielding to some untoward bias, they entangle themselves in words, and confound themselves in subtleties.

How else could it happen, (if we admit the objectors to be sincere in their opposition,) that positions so clear as those which manifest the necessity of a general power of taxation in the Government of the Union, should have to encounter any adversaries among men of discernment? Though these positions have been elsewhere fully stated, they will perhaps not be improperly recapitulated in this place, as introductory to an examination of what may have been offered by way of objection to them. They are in substance as follows:—

A Government ought to contain in itself every power requisite to the full accomplishment of the objects committed to its care, and to the complete execution of the trusts for which it is responsible, free from every other

control, but a regard to the public good and to the sense of the People.

As the duties of superintending the National defence, and of securing the public peace against foreign or domestic violence, involve a provision for casualties and dangers, to which no possible limits can be assigned, the power of making that provision ought to know no other bounds than the exigencies of the nation and the resources of the community.

As revenue is the essential engine by which the means of answering the National exigencies must be procured, the power of procuring that article in its full extent must necessarily be comprehended in that of providing for those exigencies.

As theory and practice conspire to prove, that the power of procuring revenue is unavailing when exercised over the States in their collective capacities, the Fœderal Government must of necessity be invested with an unqualified power of taxation in the ordinary modes.

Did not experience evince the contrary, it would be natural to conclude that the propriety of a general power of taxation in the National Government might safely be permitted to rest on the evidence of these propositions, unassisted by any additional arguments or illustrations. But we find, in fact, that the antagonists of the proposed Constitution, so far from acquiescing in their justness or truth, seem to make their principal and most zealous effort against this part of the plan. It may therefore be satisfactory to analyze the arguments with which they combat it.

Those of them which have been most labored with that view, seem in substance to amount to this : “ It is “ not true, because the exigencies of the Union may not “ be susceptible of limitation, that its power of laying “ taxes ought to be unconfined. Revenue is as requisite

"to the purposes of the local administrations as to those  
"of the Union; and the former are at least of equal im-  
"portance with the latter to the happiness of the People.  
"It is, therefore, as necessary that the State Govern-  
"ments should be able to command the means of sup-  
"plying their wants, as that the National Government  
"should possess the like faculty in respect to the wants  
"of the Union. But an indefinite power of taxation in  
"the *latter* might, and probably would in time, deprive  
"the *former* of the means of providing for their own  
"necessities; and would subject them entirely to the  
"mercy of the National Legislature. As the laws of  
"the Union are to become the supreme law of the land;  
"as it is to have power to pass all laws that may be  
"NECESSARY for carrying into execution the authorities  
"with which it is proposed to vest it; the National  
"Government might at any time abolish the taxes im-  
"posed for State objects, upon the pretence of an inter-  
"ference with its own. It might allege a necessity of  
"doing this, in order to give efficacy to the National  
"revenues: And thus all the resources of taxation  
"might by degrees become the subjects of Fœderal mo-  
"nopoly, to the entire exclusion and destruction of the  
"State Governments."

This mode of reasoning appears sometimes to turn upon the supposition of usurpation in the National Government: at other times, it seems to be designed only as a deduction from the constitutional operation of its intended powers. It is only in the latter light that it can be admitted to have any pretensions to fairness. The moment we launch into conjectures about the usurpations of the Fœderal Government, we get into an unfathomable abyss, and fairly put ourselves out of the reach of all reasoning. Imagination may range at pleasure, till it gets bewildered amidst the labyrinths of an enchanted castle, and knows not on which side to turn,

to extricate itself from the perplexities into which it has so rashly adventured. Whatever may be the limits or modifications of the powers of the Union, it is easy to imagine an endless train of possible dangers; and by indulging an excess of jealousy and timidity, we may bring ourselves to a state of absolute skepticism and irresolution. I repeat here, what I have observed in substance in another place, that all observations founded upon the danger of usurpation ought to be referred to the composition and structure of the Government, not to the nature or extent of its powers. The State Governments, by their original Constitutions, are invested with complete sovereignty. In what does our security consist against usurpations from that quarter? Doubtless in the manner of their formation, and in a due dependence of those who are to administer them upon the People. If the proposed construction of the Fœderal Government be found, upon an impartial examination of it, to be such as to afford, to a proper extent, the same species of security, all apprehensions on the score of usurpation ought to be discarded.

It should not be forgotten that a disposition in the State Governments to encroach upon the rights of the Union is quite as probable as a disposition in the Union to encroach upon the rights of the State Governments. What side would be likely to prevail in such a conflict, must depend on the means which the contending parties could employ towards insuring success. As in republics strength is always on the side of the People, and as there are weighty reasons to induce a belief that the State Governments will commonly possess most influence over them, the natural conclusion is, that such contests will be most apt to end to the disadvantage of the Union; and that there is greater probability of encroachments by the members upon the Fœderal Head, than by the Fœderal Head upon the members. But it is evi-

dent that all conjectures of this kind must be extremely vague and fallible: and that it is by far the safest course to lay them altogether aside, and to confine our attention wholly to the nature and extent of the powers, as they are delineated in the Constitution. Everything beyond this must be left to the prudence and firmness of the People; who, as they will hold the scales in their own hands, it is to be hoped, will always take care to preserve the constitutional equilibrium between the General and the State Governments. Upon this ground, which is evidently the true one, it will not be difficult to obviate the objections which have been made to an indefinite power of taxation in the United States.

PUBLIUS.

---

[*From the Daily Advertiser, Thursday, January 3, 1788.*]

## THE FEDERALIST. No. XXXI.

---

TO THE PEOPLE OF THE STATE OF NEW YORK :

ALTHOUGH I am of opinion that there would be no real danger of the consequences which seem to be apprehended to the State Governments from a power in the Union to control them in the levies of money, because I am persuaded that the sense of the People, the extreme hazard of provoking the resentments of the State Governments, and a conviction of the utility and necessity of local administrations, for local purposes, would be a complete barrier against the oppressive use of such a power; yet I am willing here to allow, in its full extent, the justness of the reasoning which requires that the individual States should possess an independent

and uncontrollable authority to raise their own revenues for the supply of their own wants. And making this concession, I affirm that (with the sole exception of duties on imports and exports) they would, under the plan of the Convention, retain that authority in the most absolute and unqualified sense; and that an attempt on the part of the National Government to abridge them in the exercise of it, would be a violent assumption of power, unwarranted by any Article or clause of its Constitution.

An entire consolidation of the States into one complete National sovereignty would imply an entire subordination of the parts; and whatever powers might remain in them, would be altogether dependent on the general will. But as the plan of the Convention aims only at a partial union or consolidation, the State Governments would clearly retain all the rights of sovereignty which they before had, and which were not, by that act, *exclusively* delegated to the United States. This exclusive delegation, or rather this alienation, of State sovereignty, would only exist in three cases: where the Constitution in express terms granted an exclusive authority to the Union; where it granted in one instance an authority to the Union, and in another prohibited the States from exercising the like authority; and where it granted an authority to the Union, to which a similar authority in the States would be absolutely and totally *contradictory* and *repugnant*. I use these terms to distinguish this last case from another which might appear to resemble it, but which would, in fact, be essentially different: I mean where the exercise of a concurrent jurisdiction might be productive of occasional interferences in the *policy* of any branch of administration, but would not imply any direct contradiction or repugnancy in point of constitutional authority. These three cases of exclusive jurisdiction in the Fœderal Gov-

ernment may be exemplified by the following instances : The last clause but one in the eighth Section of the first Article provides expressly, that Congress shall exercise “*exclusive legislation*” over the district to be appropriated as the seat of Government. This answers to the first case. The first clause of the same Section empowers Congress “*to lay and collect taxes, duties, imposts, and excises* ;” and the second clause of the tenth Section of the same Article declares, that “*no State shall, without the consent of Congress, lay any imposts or duties on imports or exports*, except for the purpose of “executing its inspection laws.” Hence would result an exclusive power in the Union to lay duties on imports and exports, with the particular exception mentioned ; but this power is abridged by another clause, which declares, that no tax or duty shall be laid on articles exported from any State ; in consequence of which qualification, it now only extends to the *duties on imports*. This answers to the second case. The third will be found in that clause which declares that Congress shall have power “*to establish an UNIFORM RULE of naturalization throughout the United States*.” This must necessarily be exclusive : because if each State had power to prescribe a *DISTINCT RULE*, there could not be an *UNIFORM RULE*.

A case which may perhaps be thought to resemble the latter, but which is in fact widely different, affects the question immediately under consideration. I mean the power of imposing taxes on all articles other than exports and imports. This, I contend, is manifestly a concurrent and coequal authority in the United States and in the individual States. There is plainly no expression in the granting clause which makes that power *exclusive* in the Union. There is no independent clause or sentence which prohibits the States from exercising it. So far is this from being the case, that a plain and con-

clusive argument to the contrary is to be deduced from the restraint laid upon the States in relation to duties on imports and exports. This restriction implies an admission, that if it were not inserted, the States would possess the power it excludes ; and it implies a further admission, that as to all other taxes the authority of the States remains undiminished. In any other view it would be both unnecessary and dangerous ; it would be unnecessary, because if the grant to the Union of the power of laying such duties implied the exclusion of the States, or even their subordination in this particular, there could be no need of such a restriction ; it would be dangerous, because the introduction of it leads directly to the conclusion which has been mentioned, and which, if the reasoning of the objectors be just, could not have been intended ; I mean that the States, in all cases to which the restriction did not apply, would have a concurrent power of taxation with the Union. The restriction in question amounts to what lawyers call a NEGATIVE PREGNANT ; that is, a *negation* of one thing, and an *affirmance* of another : a negation of the authority of the States to impose taxes on imports and exports, and an affirmance of their authority to impose them on all other articles. It would be mere sophistry to argue that it was meant to exclude them *absolutely* from the imposition of taxes of the former kind, and to leave them at liberty to lay others *subject to the control* of the National Legislature. The restraining or prohibitory clause only says, that they shall not, *without the consent of Congress*, lay such duties ; and if we are to understand this in the sense last mentioned, the Constitution would then be made to introduce a formal provision for the sake of a very absurd conclusion ; which is, that the States, *with the consent* of the National Legislature, might tax imports and exports ; and that they might tax every other article, *unless controlled* by the

same body. If this was the intention, why not leave it, in the first instance, to what is alleged to be the natural operation of the original clause, conferring a general power of taxation upon the Union? It is evident that this could not have been the intention, and that it will not bear a construction of the kind.

As to a supposition of repugnancy between the power of taxation in the States and in the Union, it cannot be supported in that sense which would be requisite to work an exclusion of the States. It is indeed possible that a tax might be laid on a particular article by a State which might render it *inexpedient* that thus a further tax should be laid on the same article by the Union; but it would not imply a constitutional inability to impose a further tax. The quantity of the imposition, the expediency or inexpediency of an increase on either side, would be mutually questions of prudence; but there would be involved no direct contradiction of power. The particular policy of the National and of the State systems of finance might now and then not exactly coincide, and might require reciprocal forbearances. It is not, however, a mere possibility of inconvenience in the exercise of powers, but an immediate constitutional repugnancy, that can by implication alienate and extinguish a preexisting right of sovereignty.

The necessity of a concurrent jurisdiction in certain cases results from the division of the sovereign power; and the rule that all authorities, of which the States are not explicitly divested in favor of the Union, remain with them in full vigor, is not a theoretical consequence of that division, but is clearly admitted by the whole tenor of the instrument which contains the Articles of the proposed Constitution. We there find, that, notwithstanding the affirmative grants of general authorities, there has been the most pointed care in those cases where it was deemed improper that the like authorities

should reside in the States, to insert negative clauses prohibiting the exercise of them by the States. The tenth Section of the first Article consists altogether of such provisions. This circumstance is a clear indication of the sense of the Convention, and furnishes a rule of interpretation out of the body of the Act, which justifies the position I have advanced, and refutes every hypothesis to the contrary.

The last clause of the eighth Section of the first Article of the plan under consideration authorizes the National Legislature "to make all laws which shall be "*necessary and proper* for carrying into execution *the powers* by that Constitution vested in the Government "of the United States, or in any department or officer "thereof;" and the second clause of the sixth Article declares, "that the Constitution and the laws of the "United States made *in pursuance thereof*, and the "treaties made by their authority, shall be the *supreme law* of the land; anything in the constitution or laws "of any State to the contrary notwithstanding."

These two clauses have been the source of much virulent invective, and petulant declamation, against the proposed Constitution. They have been held up to the people in all the exaggerated colors of misrepresentation; as the pernicious engines by which their local Governments were to be destroyed, and their liberties exterminated; as the hideous monster whose devouring jaws would spare neither sex nor age, nor high nor low, nor sacred nor profane; and yet, strange as it may appear, after all this clamor, to those who may not have happened to contemplate them in the same light, it may be affirmed with perfect confidence, that the constitutional operation of the intended Government would be precisely the same, if these clauses were entirely obliterated, as if they were repeated in every Article. They are only declaratory of a truth, which would have re-

sulted by necessary and unavoidable implication from the very act of constituting a Fœderal Government, and vesting it with certain specified powers. This is so clear a proposition, that moderation itself can scarcely listen to the railings which have been so copiously vented against this part of the Plan, without emotions that disturb its equanimity.

What is a power but the ability or faculty of doing a thing? What is the ability to do a thing, but the power of employing the *means* necessary to its execution? What is a LEGISLATIVE power, but a power of making LAWS? What are the *means* to execute a LEGISLATIVE power, but LAWS? What is the power of laying and collecting taxes, but a *legislative power*, or a power of *making laws*, to lay and collect taxes? What are the proper means of executing such a power, but *necessary and proper laws*?

This simple train of inquiry furnishes us at once with a test by which to judge of the true nature of the clause complained of. It conducts us to this palpable truth, that a power to lay and collect taxes must be a power to pass all laws *necessary and proper* for the execution of that power: and what does the unfortunate and calumniated provision in question do, more than declare the same truth; to wit, that the National Legislature, to whom the power of laying and collecting taxes had been previously given, might, in the execution of that power, pass all laws *necessary and proper* to carry it into effect? I have applied these observations thus particularly to the power of taxation; because it is the immediate subject under consideration, and because it is the most important of the authorities proposed to be conferred upon the Union. But the same process will lead to the same result, in relation to all other powers declared in the Constitution. And it is *expressly* to execute these powers, that the sweeping clause, as it has

been affectedly called, authorizes the National Legislature to pass all *necessary* and *proper* laws. If there is anything exceptionable, it must be sought for in the specific powers, upon which this general declaration is predicated. The declaration itself, though it may be chargeable with tautology or redundancy, is at least perfectly harmless.

But SUSPICION may ask, Why then was it introduced? The answer is, that it could only have been done for greater caution, and to guard against all cavilling refinements in those who might hereafter feel a disposition to curtail and evade the legitimate authorities of the Union. The Convention probably foresaw, what it has been a principal aim of these papers to inculcate, that the danger which most threatens our political welfare is, that the State Governments will finally sap the foundations of the Union; and might therefore think it necessary, in so cardinal a point, to leave nothing to construction. Whatever may have been the inducement to it, the wisdom of the precaution is evident from the cry which has been raised against it; as that very cry betrays a disposition to question the great and essential truth which it is manifestly the object of that provision to declare.

But it may be again asked, who is to judge of the *necessity* and *propriety* of the laws to be passed for executing the powers of the Union? I answer, first, that this question arises as well and as fully upon the simple grant of those powers, as upon the declaratory clause: and I answer in the second place, that the National Government, like every other, must judge, in the first instance, of the proper exercise of its powers, and its constituents in the last. If the Fœderal Government should overpass the just bounds of its authority and make a tyrannical use of its powers, the People, whose creature it is, must appeal to the standard they have

formed, and take such measures to redress the injury done to the Constitution as the exigency may suggest and prudence justify. The propriety of a law, in a constitutional light, must always be determined by the nature of the powers upon which it is founded. Suppose, by some forced constructions of its authority, (which indeed cannot easily be imagined,) the Fœderal Legislature should attempt to vary the law of descent in any State; would it not be evident, that in making such an attempt, it had exceeded its jurisdiction, and infringed upon that of the State? Suppose, again, that upon the pretence of an interference with its revenues, it should undertake to abrogate a land-tax imposed by the authority of a State; would it not be equally evident, that this was an invasion of that concurrent jurisdiction in respect to this species of tax, which its Constitution plainly supposes to exist in the State Governments? If there ever should be a doubt on this head, the credit of it will be entirely due to those reasoners, who in the imprudent zeal of their animosity to the Plan of the Convention, have labored to envelop it in a cloud, calculated to obscure the plainest and simplest truths.

But it is said, that the laws of the Union are to be the *supreme law* of the land. But what inference can be drawn from this, or what would they amount to, if they were not to be supreme? It is evident they would amount to nothing. A LAW, by the very meaning of the term, includes supremacy. It is a rule, which those to whom it is prescribed are bound to observe. This results from every political association. If individuals enter into a state of society, the laws of that society must be the supreme regulator of their conduct. If a number of political societies enter into a larger political society, the laws which the latter may enact, pursuant to the powers intrusted to it by its Constitution, must

necessarily be supreme over those societies, and the individuals of whom they are composed. It would otherwise be a mere treaty, dependent on the good faith of the parties, and not a Government; which is only another word for POLITICAL POWER AND SUPREMACY. But it will not follow from this doctrine, that acts of the larger society, which are *not pursuant* to its constitutional powers, but which are invasions of the residuary authorities of the smaller societies, will become the supreme law of the land. These will be merely acts of usurpation, and will deserve to be treated as such. Hence we perceive, that the clause which declares the supremacy of the laws of the Union, like the one we have just before considered, only declares a truth, which flows immediately and necessarily from the institution of a Federal Government. It will not, I presume, have escaped observation, that it *expressly* confines this supremacy to laws made *pursuant to the Constitution*; which I mention merely as an instance of caution in the Convention; since that limitation would have been to be understood, though it had not been expressed.

Though a law, therefore, laying a tax for the use of the United States would be supreme in its nature, and could not legally be opposed or controlled; yet a law for abrogating or preventing the collection of a tax laid by the authority of the State, (unless upon imports and exports,) would not be the supreme law of the land, but an usurpation of power not granted by the Constitution. As far as an improper accumulation of taxes, on the same object, might tend to render the collection difficult or precarious, this would be a mutual inconvenience, not arising from a superiority or defect of power on either side, but from an injudicious exercise of power by one or the other, in a manner equally disadvantageous to both. It is to be hoped and presumed, however, that mutual interest would dictate a concert

in this respect which would avoid any material inconvenience. The inference from the whole is — that the individual States would, under the proposed Constitution, retain an independent and uncontrollable authority to raise revenue to any extent of which they may stand in need, by every kind of taxation, except duties on imports and exports. It will be shown in the next paper, that this CONCURRENT JURISDICTION in the Article of taxation was the only admissible substitute for an entire subordination, in respect to this branch of power, of the State authority to that of the Union.

PUBLIUS.

---

[*From the New York Packet, Friday, January 4, 1788.*]

## THE FœDERALIST. No. XXXII.

---

TO THE PEOPLE OF THE STATE OF NEW YORK:

I FLATTER myself it has been clearly shown in my last number, that the particular States, under the proposed Constitution, would have COEQUAL authority with the Union in the article of revenue, except as to duties on imports. As this leaves open to the States far the greatest part of the resources of the community, there can be no color for the assertion, that they would not possess means as abundant as could be desired, for the supply of their own wants, independent of all external control. That the field is sufficiently wide, will more fully appear, when we come to advert to the inconsiderable share of the public expenses, for which it will fall to the lot of the State Governments to provide.

To argue upon abstract principles, that this coördi-

nate authority cannot exist, is to set up supposition and theory against fact and reality. However proper such reasonings might be, to show that a thing *ought not to exist*, they are wholly to be rejected, when they are made use of to prove that it does not exist, contrary to the evidence of the fact itself. It is well known, that in the Roman Republic, the legislative authority, in the last resort, resided for ages in two different political bodies — not as branches of the same Legislature, but as distinct and independent Legislatures, in each of which an opposite interest prevailed ; in one, the Patrician ; in the other, the Plebeian. Many arguments might have been adduced, to prove the unfitness of two such seemingly contradictory authorities, each having power to *annul* or *repeal* the acts of the other. But a man would have been regarded as frantic, who should have attempted at Rome to disprove their existence. It will be readily understood, that I allude to the COMITIA CENTURIATA and the COMITIA TRIBUTA. The former, in which the people voted by centuries, was so arranged as to give a superiority to the Patrician interest : in the latter, in which numbers prevailed, the Plebeian interest had an entire predominancy. And yet these two Legislatures coexisted for ages, and the Roman Republic attained to the utmost height of human greatness.

In the case particularly under consideration, there is no such contradiction as appears in the example cited ; there is no power on either side to annul the acts of the other. And in practice, there is little reason to apprehend any inconvenience ; because, in a short course of time, the wants of the States will naturally reduce themselves within *a very narrow compass* ; and in the interim, the United States will, in all probability, find it convenient to abstain wholly from those objects to which the particular States would be inclined to resort.

To form a more precise judgment of the true merits

of this question, it will be well to advert to the proportion between the objects that will require a Fœderal provision in respect to revenue, and those which will require a State provision. We shall discover that the former are altogether unlimited : and that the latter are circumscribed within very moderate bounds. In pursuing this inquiry, we must bear in mind that we are not to confine our view to the present period, but to look forward to remote futurity. Constitutions of civil Government are not to be framed upon a calculation of existing exigencies ; but upon a combination of these with the probable exigencies of ages, according to the natural and tried course of human affairs. Nothing, therefore, can be more fallacious than to infer the extent of any power, proper to be lodged in the National Government, from an estimate of its immediate necessities. There ought to be a CAPACITY to provide for future contingencies, as they may happen ; and as these are illimitable in their nature, it is impossible safely to limit that capacity. It is true, perhaps, that a computation might be made, with sufficient accuracy to answer the purpose, of the quantity of revenue requisite to discharge the subsisting engagements of the Union, and to maintain those establishments which, for some time to come, would suffice in time of peace. But would it be wise, or would it not rather be the extreme of folly, to stop at this point, and to leave the Government, intrusted with the care of the National defence, in a state of absolute incapacity to provide for the protection of the community against future invasions of the public peace, by foreign war or domestic convulsions ? If, on the contrary, we ought to exceed this point, where can we stop, short of an indefinite power of providing for emergencies as they may arise ? Though it is easy to assert, in general terms, the possibility of forming a rational judgment of a due provision against probable dangers ; yet

we may safely challenge those who make the assertion, to bring forward their data, and may affirm, that they would be found as vague and uncertain as any that could be produced to establish the probable duration of the world. Observations, confined to the mere prospects of internal attacks, can deserve no weight; though even these will admit of no satisfactory calculation: but if we mean to be a commercial people, it must form a part of our policy to be able one day to defend that commerce. The support of a navy and of naval wars would involve contingencies that must baffle all the efforts of political arithmetic.

Admitting that we ought to try the novel and absurd experiment in politics, of tying up the hands of Government from offensive war, founded upon reasons of State; yet certainly we ought not to disable it from guarding the community against the ambition or enmity of other nations. A cloud has been for some time hanging over the European world. If it should break forth into a storm, who can insure us that in its progress a part of its fury would not be spent upon us? No reasonable man would hastily pronounce, that we are entirely out of its reach. Or if the combustible materials, that now seem to be collecting, should be dissipated without coming to maturity; or if a flame should be kindled without extending to us, what security can we have that our tranquillity will long remain undisturbed from some other cause, or from some other quarter? Let us recollect that peace or war will not always be left to our option; that however moderate or unambitious we may be, we cannot count upon the moderation, or hope to extinguish the ambition of others. Who could have imagined at the conclusion of the last war, that France and Britain, wearied and exhausted as they both were, would so soon have looked with so hostile an aspect upon each other? To judge from the history of man-

kind, we shall be compelled to conclude, that the fiery and destructive passions of war reign in the human breast with much more powerful sway than the mild and beneficent sentiments of peace; and that to model our political systems upon speculations of lasting tranquillity, is to calculate on the weaker springs of the human character.

What are the chief sources of expense in every Government? What has occasioned that enormous accumulation of debts with which several of the European nations are oppressed? The answer plainly is, wars and rebellions; the support of those institutions, which are necessary to guard the body politic, against these two most mortal diseases of society. The expenses arising from those institutions which are relative to the mere domestic police of a State; to the support of its Legislative, Executive, and Judicial departments, with their different appendages; and to the encouragement of agriculture and manufactures, (which will comprehend almost all the objects of State expenditure,) are insignificant, in comparison with those which relate to the National defence.

In the kingdom of Great Britain, where all the ostentatious apparatus of Monarchy is to be provided for, not above a fifteenth part of the annual income of the nation is appropriated to the class of expenses last mentioned: the other fourteen fifteenths are absorbed in the payment of the interest of debts, contracted for carrying on the wars in which that country has been engaged, and in the maintenance of fleets and armies. If, on the one hand, it should be observed, that the expenses incurred in the prosecution of the ambitious enterprises and vainglorious pursuits of a Monarchy, are not a proper standard by which to judge of those which might be necessary in a Republic; it ought, on the other hand, to be remarked, that there should be as great a dispro-

portion between the profusion and extravagance of a wealthy kingdom in its domestic administration, and the frugality and economy which in that particular become the modest simplicity of republican Government. If we balance a proper deduction from one side, against that which it is supposed ought to be made from the other, the proportion may still be considered as holding good.

But let us advert to the large debt which we have ourselves contracted in a single war, and let us only calculate on a common share of the events which disturb the peace of nations, and we shall instantly perceive, without the aid of any elaborate illustration, that there must always be an immense disproportion between the objects of Fœderal and State expenditures. It is true, that several of the States, separately, are encumbered with considerable debts, which are an excrescence of the late war. But this cannot happen again, if the proposed system be adopted; and when these debts are discharged, the only call for revenue of any consequence, which the State Governments will continue to experience, will be for the mere support of their respective civil lists; to which, if we add all contingencies, the total amount in every State ought to fall considerably short of two hundred thousand pounds.

In framing a Government for posterity as well as ourselves, we ought, in those provisions which are designed to be permanent, to calculate, not on temporary, but on permanent causes of expense. If this principle be a just one, our attention would be directed to a provision in favor of the State Governments for an annual sum of about two hundred thousand pounds; while the exigencies of the Union could be susceptible of no limits, even in imagination. In this view of the subject, by what logic can it be maintained that the local Governments ought to command, in perpetuity, an EXCLUSIVE

source of revenue for any sum beyond the extent of two hundred thousand pounds ? To extend its power further, in *exclusion* of the authority of the Union, would be to take the resources of the community out of those hands which stood in need of them for the public welfare, in order to put them into other hands which could have no just or proper occasion for them.

Suppose, then, the Convention had been inclined to proceed upon the principle of a repartition of the objects of revenue, between the Union and its members, in *proportion* to their comparative necessities ; what particular fund could have been selected for the use of the States, that would not either have been too much or too little ; too little for their present, too much for their future wants ? As to the line of separation between external and internal taxes, this would leave to the States, at a rough computation, the command of two thirds of the resources of the community, to defray from a tenth to a twentieth part of its expenses ; and to the Union, one third of the resources of the community, to defray from nine tenths to nineteen twentieths of its expenses. If we desert this boundary, and content ourselves with leaving to the States an exclusive power of taxing houses and lands, there would still be a great disproportion between the *means* and the *end* ; the possession of one third of the resources of the community to supply, at most, one tenth of its wants. If any fund could have been selected and appropriated, equal to and not greater than the object, it would have been inadequate to the discharge of the existing debts of the particular States, and would have left them dependent on the Union for a provision for this purpose.

The preceding train of observations will justify the position which has been elsewhere laid down, that “*A CONCURRENT JURISDICTION* in the article of taxation was “the only admissible substitute for an entire subordina-

"tion, in respect to this branch of power, of State authority to that of the Union." Any separation of the objects of revenue that could have been fallen upon, would have amounted to a sacrifice of the great INTERESTS of the Union to the POWER of the individual States. The Convention thought the concurrent jurisdiction preferable to that subordination; and it is evident that it has at least the merit of reconciling an indefinite constitutional power of taxation in the Fœderal Government with an adequate and independent power in the States to provide for their own necessities. There remain a few other lights, in which this important subject of taxation will claim a further consideration.

PUBLIUS.

---

*For the Independent Journal.*THE FŒDERALIST. No. XXXIII.  
—

TO THE PEOPLE OF THE STATE OF NEW YORK:

BEFORE we proceed to examine any other objections to an indefinite power of taxation in the Union, I shall make one general remark; which is, that if the jurisdiction of the National Government, in the article of revenue, should be restricted to particular objects, it would naturally occasion an undue proportion of the public burdens to fall upon those objects. Two evils would spring from this source: the oppression of particular branches of industry, and an unequal distribution of the taxes, as well among the several States, as among the citizens of the same State.

Suppose, as has been contended for, the Fœderal power

of taxation were to be confined to duties on imports ; it is evident that the Government, for want of being able to command other resources, would frequently be tempted to extend these duties to an injurious excess. There are persons who imagine that they can never be carried to too great a length ; since the higher they are, the more it is alleged they will tend to discourage an extravagant consumption, to produce a favorable balance of trade, and to promote domestic manufactures. But all extremes are pernicious in various ways. Exorbitant duties on imported articles would beget a general spirit of smuggling ; which is always prejudicial to the fair trader, and eventually to the revenue itself : they tend to render other classes of the community tributary, in an improper degree, to the manufacturing classes, to whom they give a premature monopoly of the markets : they sometimes force industry out of its more natural channels into others in which it flows with less advantage : and in the last place, they oppress the merchant, who is often obliged to pay them himself without any retribution from the consumer. When the demand is equal to the quantity of goods at market, the consumer generally pays the duty ; but when the markets happen to be overstocked, a great proportion falls upon the merchant, and sometimes not only exhausts his profits, but breaks in upon his capital. I am apt to think, that a division of the duty, between the seller and the buyer, more often happens than is commonly imagined. It is not always possible to raise the price of a commodity, in exact proportion to every additional imposition laid upon it. The merchant, especially in a country of small commercial capital, is often under a necessity of keeping prices down in order to a more expeditious sale.

The maxim that the consumer is the payer, is so much oftener true than the reverse of the proposition, that it is far more equitable that the duties on imports should

go into a common stock, than that they should redound to the exclusive benefit of the importing States. But it is not so generally true, as to render it equitable, that those duties should form the only National fund. When they are paid by the merchant, they operate as an additional tax upon the importing State, whose citizens pay their proportion of them in the character of consumers. In this view, they are productive of inequality among the States; which inequality would be increased with the increased extent of the duties. The confinement of the National revenues to this species of imposts would be attended with inequality, from a different cause, between the manufacturing and the non-manufacturing States. The States which can go farthest towards the supply of their own wants, by their own manufactures, will not, according to their numbers or wealth, consume so great a proportion of imported articles as those States which are not in the same favorable situation. They would not, therefore, in this mode alone contribute to the public treasury in a ratio to their abilities. To make them do this, it is necessary that recourse be had to excises; the proper objects of which are particular kinds of manufactures. New York is more deeply interested in these considerations, than such of her citizens as contend for limiting the power of the Union to external taxation, may be aware of. New York is an importing State, and is not likely speedily to be, to any great extent, a manufacturing State. She would of course suffer in a double light, from restraining the jurisdiction of the Union to commercial imposts.

So far as these observations tend to inculcate a danger of the import duties being extended to an injurious extreme, it may be observed, conformably to a remark made in another part of these papers, that the interest of the revenue itself would be a sufficient guard against

such an extreme. I readily admit that this would be the case, as long as other resources were open; but if the avenues to them were closed, HOPE, stimulated by necessity, would beget experiments, fortified by rigorous precautions and additional penalties; which, for a time, would have the intended effect, till there had been leisure to contrive expedients to elude these new precautions. The first success would be apt to inspire false opinions; which it might require a long course of subsequent experience to correct. Necessity, especially in politics, often occasions false hopes, false reasonings, and a system of measures, correspondently erroneous. But even if this supposed excess should not be a consequence of the limitation of the Fœderal power of taxation, the inequalities spoken of would still ensue, though not in the same degree, from the other causes that have been noticed. Let us now return to the examination of objections.

One which, if we may judge from the frequency of its repetition, seems most to be relied on, is, that the House of Representatives is not sufficiently numerous for the reception of all the different classes of citizens, in order to combine the interests and feelings of every part of the community, and to produce a due sympathy between the representative body and its constituents. This argument presents itself under a very specious and seducing form; and is well calculated to lay hold of the prejudices of those to whom it is addressed. But when we come to dissect it with attention, it will appear to be made up of nothing but fair-sounding words. The object it seems to aim at, is in the first place impracticable, and in the sense in which it is contended for, is unnecessary. I reserve for another place, the discussion of the question which relates to the sufficiency of the representative body in respect to numbers; and shall content myself with examining here the particular use

which has been made of a contrary supposition, in reference to the immediate subject of our inquiries.

The idea of an actual representation of all classes of the people, by persons of each class, is altogether visionary. Unless it were expressly provided in the Constitution, that each different occupation should send one or more members, the thing would never take place in practice. Mechanics and manufacturers will always be inclined, with few exceptions, to give their votes to merchants, in preference to persons of their own professions or trades. Those discerning citizens are well aware, that the mechanic and manufacturing arts furnish the materials of mercantile enterprise and industry. Many of them, indeed, are immediately connected with the operations of commerce. They know that the merchant is their natural patron and friend; and they are aware, that however great the confidence they may justly feel in their own good sense, their interests can be more effectually promoted by the merchant than by themselves. They are sensible that their habits in life have not been such as to give them those acquired endowments, without which, in a deliberative assembly, the greatest natural abilities are for the most part useless; and that the influence and weight, and superior acquirements of the merchants render them more equal to a contest with any spirit which might happen to infuse itself into the public councils, unfriendly to the manufacturing and trading interests. These considerations, and many others that might be mentioned, prove, and experience confirms it, that artisans and manufacturers will commonly be disposed to bestow their votes upon merchants and those whom they recommend. We must therefore consider merchants as the natural representatives of all these classes of the community.

With regard to the learned professions, little need be observed; they truly form no distinct interest in society:

and according to their situation and talents, will be indiscriminately the objects of the confidence and choice of each other, and of other parts of the community.

Nothing remains but the landed interest: and this, in a political view, and particularly in relation to taxes, I take to be perfectly united, from the wealthiest landlord down to the poorest tenant. No tax can be laid on land which will not affect the proprietor of millions of acres as well as the proprietor of a single acre. Every landholder will therefore have a common interest to keep the taxes on land as low as possible; and common interest may always be reckoned upon as the surest bond of sympathy. But if we even could suppose a distinction of interest between the opulent landholder and the middling farmer, what reason is there to conclude, that the first would stand a better chance of being deputed to the National Legislature than the last? If we take fact as our guide, and look into our own Senate and Assembly, we shall find that moderate proprietors of land prevail in both; nor is this less the case in the Senate, which consists of a smaller number, than in the Assembly, which is composed of a greater number. Where the qualifications of the electors are the same, whether they have to choose a small or a large number, their votes will fall upon those in whom they have most confidence; whether these happen to be men of large fortunes, or of moderate property, or of no property at all.

It is said to be necessary, that all classes of citizens should have some of their own number in the representative body, in order that their feelings and interests may be the better understood and attended to. But we have seen that this will never happen under any arrangement that leaves the votes of the People free. Where this is the case, the representative body, with too few exceptions to have any influence on the spirit of the Govern-

ment, will be composed of landholders, merchants, and men of the learned professions. But where is the danger that the interests and feelings of the different classes of citizens will not be understood or attended to by these three descriptions of men? Will not the landholder know and feel whatever will promote or injure the interest of landed property? And will he not, from his own interest in that species of property, be sufficiently prone to resist every attempt to prejudice or encumber it? Will not the merchant understand and be disposed to cultivate, as far as may be proper, the interests of the mechanic and manufacturing arts, to which his commerce is so nearly allied? Will not the man of the learned profession, who will feel a neutrality to the rivalships between the different branches of industry, be likely to prove an impartial arbiter between them, ready to promote either, so far as it shall appear to him conducive to the general interests of the society?

If we take into the account the momentary humors or dispositions which may happen to prevail in particular parts of the society, and to which a wise administration will never be inattentive, is the man whose situation leads to extensive inquiry and information less likely to be a competent judge of their nature, extent, and foundation, than one whose observation does not travel beyond the circle of his neighbors and acquaintances? Is it not natural that a man, who is a candidate for the favor of the People and who is dependent on the suffrages of his fellow-citizens for the continuance of his public honors, should take care to inform himself of their dispositions and inclinations, and should be willing to allow them their proper degree of influence upon his conduct? This dependence, and the necessity of being bound himself, and his posterity, by the laws to which he gives his assent, are the true, and they are the strong

chords of sympathy, between the representative and the constituent.

There is no part of the administration of Government that requires extensive information, and a thorough knowledge of the principles of political economy, so much as the business of taxation. The man who understands those principles best, will be least likely to resort to oppressive expedients, or to sacrifice any particular class of citizens to the procurement of revenue. It might be demonstrated that the most productive system of finance will always be the least burdensome. There can be no doubt that in order to a judicious exercise of the power of taxation, it is necessary that the person in whose hands it is should be acquainted with the general genius, habits, and modes of thinking of the People at large, and with the resources of the country. And this is all that can be reasonably meant by a knowledge of the interests and feelings of the People. In any other sense, the proposition has either no meaning, or an absurd one. And in that sense, let every considerate citizen judge for himself, where the requisite qualification is most likely to be found.

PUBLIUS.

---

[*From the New York Packet, Tuesday, January 8, 1788.*]

## THE FEDERALIST. No. XXXIV.

---

TO THE PEOPLE OF THE STATE OF NEW YORK :

WE have seen that the result of the observations, to which the foregoing number has been principally devoted, is, that from the natural operation of the different interests and views of the various classes of the

community, whether the representation of the People be more or less numerous, it will consist almost entirely of proprietors of land, of merchants, and of members of the learned professions, who will truly represent all those different interests and views. If it should be objected, that we have seen other descriptions of men in the local Legislatures, I answer, that it is admitted there are exceptions to the rule, but not in sufficient number to influence the general complexion or character of the Government. There are strong minds in every walk of life, that will rise superior to the disadvantages of situation, and will command the tribute due to their merit, not only from the classes to which they particularly belong, but from the society in general. The door ought to be equally open to all ; and I trust, for the credit of human nature, that we shall see examples of such vigorous plants flourishing in the soil of Fœderal, as well as of State legislation ; but occasional instances of this sort will not render the reasoning, founded upon the general course of things, less conclusive.

The subject might be placed in several other lights, that would all lead to the same result ; and in particular it might be asked, What greater affinity or relation of interest can be conceived between the carpenter and blacksmith, and the linen manufacturer or stocking-weaver, than between the merchant and either of them ? It is notorious, that there are often as great rivalships between different branches of the mechanic or manufacturing arts, as there are between any of the departments of labor and industry ; so that, unless the representative body were to be far more numerous than would be consistent with any idea of regularity or wisdom in its deliberations, it is impossible that what seems to be the spirit of the objection we have been considering, should ever be realized in practice. But I forbear to dwell any longer on a matter which has hitherto worn too loose a

garb to admit even of an accurate inspection of its real shape or tendency.

There is another objection of a somewhat more precise nature, that claims our attention. It has been asserted that a power of internal taxation in the National Legislature could never be exercised with advantage, as well from the want of a sufficient knowledge of local circumstances, as from an interference between the revenue laws of the Union and of the particular States. The supposition of a want of proper knowledge, seems to be entirely destitute of foundation. If any question is depending in a State Legislature, respecting one of the Counties, which demands a knowledge of local details, how is it acquired? No doubt from the information of the members of the County. Cannot the like knowledge be obtained in the National Legislature, from the representatives of each State? And is it not to be presumed, that the men who will generally be sent there, will be possessed of the necessary degree of intelligence to be able to communicate that information? Is the knowledge of local circumstances, as applied to taxation, a minute topographical acquaintance with all the mountains, rivers, streams, highways, and by-paths in each State; or is it a general acquaintance with its situation and resources — with the state of its agriculture, commerce, manufactures — with the nature of its products and consumptions — with the different degrees and kinds of its wealth, property, and industry?

Nations in general, even under Governments of the more popular kind, usually commit the administration of their finances to single men, or to Boards composed of a few individuals, who digest and prepare, in the first instance, the plans of taxation, which are afterwards passed into laws by the authority of the sovereign or Legislature.

Inquisitive and enlightened statesmen are deemed

everywhere best qualified to make a judicious selection of the objects proper for revenue; which is a clear indication, as far as the sense of mankind can have weight in the question, of the species of knowledge of local circumstances, requisite to the purposes of taxation.

The taxes intended to be comprised under the general denomination of internal taxes, may be subdivided into those of the *direct* and those of the *indirect* kind. Though the objection be made to both, yet the reasoning upon it seems to be confined to the former branch. And indeed, as to the latter, by which must be understood duties and excises on articles of consumption, one is at a loss to conceive, what can be the nature of the difficulties apprehended. The knowledge relating to them must evidently be of a kind that will either be suggested by the nature of the article itself, or can easily be procured from any well-informed man, especially of the mercantile class. The circumstances that may distinguish its situation in one State from its situation in another, must be few, simple, and easy to be comprehended. The principal thing to be attended to, would be to avoid those articles which had been previously appropriated to the use of a particular State; and there could be no difficulty in ascertaining the revenue system of each. This could always be known from the respective codes of laws, as well as from the information of the members of the several States.

The objection, when applied to real property or to houses and lands, appears to have, at first sight, more foundation; but even in this view, it will not bear a close examination. Land-taxes are commonly laid in one of two modes, either by *actual* valuations, permanent or periodical, or by *occasional* assessments, at the discretion, or according to the best judgment, of certain officers whose duty it is to make them. In either case, the **EXECUTION** of the business, which alone requires the

knowledge of local details, must be devolved upon discreet persons in the character of Commissioners or Assessors, elected by the People, or appointed by the Government, for the purpose. All that the law can do, must be to name the persons or to prescribe the manner of their election or appointment; to fix their numbers and qualifications; and to draw the general outlines of their powers and duties. And what is there in all this that cannot as well be performed by the National Legislature as by a State Legislature? The attention of either can only reach to general principles: local details, as already observed, must be referred to those who are to execute the plan.

But there is a simple point of view, in which this matter may be placed, that must be altogether satisfactory. The National Legislature can make use of the *system of each State within that State.* The method of laying and collecting this species of taxes in each State, can, in all its parts, be adopted and employed by the Fœderal Government.

Let it be recollected, that the proportion of these taxes is not to be left to the discretion of the National Legislature: but is to be determined by the numbers of each State, as described in the second Section of the first Article. An actual census, or enumeration of the People must furnish the rule; a circumstance which effectually shuts the door to partiality or oppression. The abuse of this power of taxation seems to have been provided against with guarded circumspection. In addition to the precaution just mentioned, there is a provision that “all duties, imposts, and excises shall be **UNIFORM** “throughout the United States.”

It has been very properly observed, by different speakers and writers on the side of the Constitution, that if the exercise of the power of internal taxation by the Union should be discovered on experiment to be really

inconvenient, the Fœderal Government may then forbear the use of it, and have recourse to requisitions in its stead. By way of answer to this, it has been triumphantly asked, why not in the first instance omit that ambiguous power, and rely upon the latter resource? Two solid answers may be given; the first is, that the exercise of that power, if convenient, will be preferable, because it will be more effectual; and it is impossible to prove in theory, or otherwise than by the experiment, that it cannot be advantageously exercised. The contrary, indeed, appears most probable. The second answer is, that the existence of such a power in the Constitution will have a strong influence in giving efficacy to requisitions. When the States know that the Union can supply itself without their agency, it will be a powerful motive for exertion on their part.

As to the interference of the revenue laws of the Union, and of its members, we have already seen that there can be no clashing or repugnancy of authority. The laws cannot, therefore, in a legal sense, interfere with each other; and it is far from impossible to avoid an interference even in the policy of their different systems. An effectual expedient for this purpose will be, mutually to abstain from those objects which either side may have first had recourse to. As neither can *control* the other, each will have an obvious and sensible interest in this reciprocal forbearance. And where there is an *immediate* common interest, we may safely count upon its operation. When the particular debts of the States are done away, and their expenses come to be limited within their natural compass, the possibility almost of interference will vanish. A small land-tax will answer the purpose of the States, and will be their most simple and most fit resource.

Many spectres have been raised out of this power of internal taxation, to excite the apprehensions of the

People — double sets of revenue officers — a duplication of their burdens by double taxation, and the frightful forms of odious and oppressive poll-taxes, have been played off with all the ingenious dexterity of political legerdemain.

As to the first point, there are two cases in which there can be no room for double sets of officers: one, where the right of imposing the tax is exclusively vested in the Union, which applies to the duties on imports; the other, where the object has not fallen under any State regulation or provision, which may be applicable to a variety of objects. In other cases, the probability is, that the United States will either wholly abstain from the objects preoccupied for local purposes, or will make use of the State officers and State regulations for collecting the additional imposition. This will best answer the views of revenue, because it will save expense in the collection, and will best avoid any occasion of disgust to the State Governments and to the People. At all events, here is a practicable expedient for avoiding such an inconvenience; and nothing more can be required than to show, that evils predicted do not necessarily result from the plan.

As to any argument derived from a supposed system of influence, it is a sufficient answer to say, that it ought not to be presumed; but the supposition is susceptible of a more precise answer. If such a spirit should infest the councils of the Union, the most certain road to the accomplishment of its aim would be, to employ the State officers as much as possible, and to attach them to the Union by an accumulation of their emoluments. This would serve to turn the tide of State influence into the channels of the National Government instead of making Federal influence flow in an opposite and adverse current. But all suppositions of this kind are invidious, and ought to be banished from the considera-

tion of the great question before the People. They can answer no other end than to cast a mist over the truth.

As to the suggestion of double taxation, the answer is plain. The wants of the Union are to be supplied in one way or another; if to be done by the authority of the Fœderal Government, it will not be to be done by that of the State Government. The quantity of taxes to be paid by the community must be the same in either case; with this advantage, if the provision is to be made by the Union — that the capital resource of commercial imposts, which is the most convenient branch of revenue, can be prudently improved to a much greater extent under Fœderal than under State regulation, and of course will render it less necessary to recur to more inconvenient methods; and with this further advantage, that as far as there may be any real difficulty in the exercise of the power of internal taxation, it will impose a disposition to greater care in the choice and arrangement of the means; and must naturally tend to make it a fixed point of policy in the National administration to go as far as may be practicable in making the luxury of the rich tributary to the public treasury, in order to diminish the necessity of those impositions which might create dissatisfaction in the poorer and most numerous classes of the society. Happy it is when the interest which the Government has in the preservation of its own power, coincides with a proper distribution of the public burdens, and tends to guard the least wealthy part of the community from oppression!

As to poll-taxes, I, without scruple, confess my disapprobation of them; and though they have prevailed from an early period in those States,\* which have uniformly been the most tenacious of their rights, I should lament to see them introduced into practice under the National Government. But does it follow because there

\* The New England States.—*Publius.*

is a power to lay them, that they will actually be laid ? Every State in the Union has power to impose taxes of this kind ; and yet in several of them they are unknown in practice. Are the State Governments to be stigmatized as tyrannies, because they possess this power ? If they are not, with what propriety can the like power justify such a charge against the National Government, or even be urged as an obstacle to its adoption ? As little friendly as I am to the species of imposition, I still feel a thorough conviction, that the power of having recourse to it ought to exist in the Fœderal Government. There are certain emergencies of nations, in which expedients, that in the ordinary state of things ought to be forborne, become essential to the public weal. And the Government, from the possibility of such emergencies, ought ever to have the option of making use of them. The real scarcity of objects in this country, which may be considered as productive sources of revenue, is a reason peculiar to itself, for not abridging the discretion of the National councils in this respect. There may exist certain critical and tempestuous conjunctures of the State, in which a poll-tax may become an inestimable resource. And as I know nothing to exempt this portion of the globe from the common calamities that have befallen other parts of it, I acknowledge my aversion to every project that is calculated to disarm the Government of a single weapon, which in any possible contingency might be usefully employed for the general defence and security.

PUBLIUS.

---









71 2009.084 06146

